

## INAUGURAL MEETING

DECEMBER 1, 2014

The Inaugural Meeting of the Council of the County of Kaua'i was called to order by Chair Pro Tem Bernard P. Carvalho, Jr., at the Kaua'i War Memorial Convention Hall, Līhu'e, Kaua'i, on Monday, December 1, 2014 at 12:00 noon.

Mayor Carvalho: I hereby appoint Ricky Watanabe as temporary County Clerk. Are the credentials of the Councilmembers in order?

RICKY WATANABE: The Credentials Committee has filed a report which shows that the credentials of the Councilmembers are in order and that the oath of office has been given.

Mayor Carvalho: Mr. Clerk, please call the roll.

The following members answered the call of roll:

Honorable Mason K. Chock  
Honorable Gary L. Hooser  
Honorable Ross Kagawa  
Honorable Arryl Kaneshiro  
Honorable KipuKai Kuali'i  
Honorable Mel Rapozo  
Honorable JoAnn A. Yukimura

### APPROVAL OF AGENDA.

Councilmember Kagawa moved for approval of the agenda as circulated, seconded by Councilmember Rapozo, and unanimously carried.

### PUBLIC TESTIMONY.

All public testimony for the Inaugural Meeting will be taken at the beginning of the Meeting. Each speaker shall have three (3) minutes to speak on each agenda item and shall identify which agenda item(s) the testimony relates to, prior to speaking.

Mayor Carvalho: Mr. Clerk, is there anyone signed up to speak during the Public Testimony period?

Mr. Watanabe: We have five (5) speakers signed up. The first speaker is Maka'ala Ka'aumoana speaking on the Rules and the County Attorney.

There being no objections, the rules were suspended to take public testimony.

MAKA'ALA KA'AUMOANA: Aloha Mayor and Councilmembers. I am Maka'ala Ka'aumoana and the first testimony I would like to provide today relates to your nomination of Mauna Kea Trask for County Attorney. In my capacity as the Executive Director of the Hanalei Watershed Hui and Vice Chair of Hui Ho'omalua i ka 'Aina, we strongly support this nomination. We have had long experience working with him and appreciate this nomination very much. In my capacity as the Executive Director of the Hanalei Watershed Hui, I wish to offer testimony on the proposed

Rules for the Council. Regarding Rule 1, reducing public testimony from six (6) minutes to three (3), the new Rule should be...“Oral testimony shall be limited to three (3) minutes per person,” and then everybody else gets to talk and then we get to come back for three (3). My brain does not function that way very well. I would like to be able to give a complete thought and intelligent testimony. If I am not going to be allowed six (6) minutes continuously then it is very difficult to provide intelligent and helpful testimony.

Rule No. 2, removal of the hundred and twenty (120) day provision. “All bills and resolutions must be initialed by the Council Chair or in the Chair’s absence, the Vice Chair (or other designated chair as stated in Rule No. 3) in order to be placed on the agenda.” I do not support this change back to a process that allows the Chair requiring the Chair’s initials to prevent things from making it on to the agenda. With all due respect, requiring that some all knowing person either the Chair or the County Attorney to unilaterally decide, prior to any debate or discussion, whether a bill or resolution is legally sufficient before the bill or resolution can even see the light of day, is a recipe for serious abuse.

Rule No. 3, the removal of the Section that allows the public to testify for three (3) minutes on any item on the agenda at the beginning of the meeting. I do not support this change. I believe this Rule has been used well and efficiently. I know as a person who does have gainful employment that sometimes I can only come for a little while, and would like to provide oral testimony in case there are responses or questions from Council. I would like the opportunity to continue to be able to provide that testimony at the beginning of your meeting so I can get on about with the business of my day. In my experience testifying in other jurisdictions, there are always been an opportunity to be fair to those who have other commitments like jobs, at the beginning of the meeting. As the case may be, I think this is a minor issue at our Council Meetings. I do not think it has been a big deal, it has been limited to eighteen (18) minutes, and I see no reason to remove it now. *Mahalo* for your kind attention.

Mayor Carvalho:

Thank you, Makaala. Next speaker please.

Mr. Watanabe:  
Rules.

Next speaker is Rob Abreu speaking on the

ROB ABREU: Hello, Councilmembers. First, I would like to congratulate you all for stepping up to the plate to serve the County of Kaua‘i and congratulations for being voted to the Council of Kaua‘i. The first thing I would like to speak about...well...the only thing I would like to speak about are the Rules, pertaining to the Rules, and pertaining to the roll call portion of the Rules. As tradition states, we always do roll call alphabetically by last name. My concern about that is how fair is it to the seven (7) members that someone who was born with the last name of a “Y” or starts with the last name with an “A” have to be slotted in that position? My suggestion is that every roll call vote be based on a rotating basis for fairness of every member, so that every seventh (7<sup>th</sup>) time a roll call is called, an individual member would have the opportunity to see the other six (6) members vote before they vote. To me, it is transparent, it is cooperative, it is openness, and that way every member has an equal share on who votes first and who votes last. That is my suggestion and I hope it is taken into consideration. Thank you very much.

Mayor Carvalho:

Thank you, Mr. Abreu.

Mr. Watanabe:  
the County Attorney.

Next speaker is Gary Rodrigues speaking on

GARY RODRIGUES: Good morning. The County Charter provides that the Council has the authority to ensure and determine whether government services are being efficiently, effectively, and economically delivered. The County is required to safeguard public assets against lost from waste, fraud, error, and to promote efficient operations. The County Attorney is required to comply with the Charter, instead the County Attorney has acted as the Defender of County employees and officials that have made wasteful and erroneous decisions. Defending such persons has resulted in waste and placed a great financial burden on the taxpayers of Kaua'i, while the persons causing such waste face no consequences. An Attorney is judged by the quality of the research, advice, and decisions made and not by the need for personal glory at the expense of the clients. I testify today against the appointment of Trask as the County Attorney because his record demonstrates that he has not safeguarded public assets against loss from waste and error. Examples of his unsatisfactory performance are; (1) Trask represented the County of Kaua'i in a promotion grievance arbitration between SHOPO (State of Hawai'i Organization of Police Officers) and the County of Kaua'i in 2009. Trask failed to effectively research other arbitrators decisions and investigate the facts of the case and advised the Mayor to grant remedy requested by SHOPO. The result is that the County lost their arbitration that should not have been pursued. After the loss instead of protecting the people of Kaua'i, the decision was made to protect the KPD (Kaua'i Police Department) Chief, other ranked officers, the County Administration, and Trask's reputation by petitioning the Court to vacate the arbitrators award. If Trask did his research he would find that the Hawai'i Supreme Court and Courts in the United States (U.S.) have refused to overturn arbitrators awards unless in rare cases the arbitrator lacked authority. Recently the Hawai'i Intermediate Court of Appeals ruled against the County, as the County Attorney, Trask will decide whether to appeal to the Hawai'i Supreme Court. At this point in time the County of Kaua'i is liable for thousands of dollars in back pay and possible lawsuits for damages. (2) Trask represented the County and I represented a police officer in a workers' compensation hearing before the State Disability Compensation Division (DCD). The hearing was to determine whether Perry, KPD's Chief, termination of the officer with the support of the Department of Personnel Services, violated Hawai'i Revised Statutes (HRS) because the officer wanted to return to work as a police officer after two (2) County of Kaua'i doctors and the officers' doctor determined that the officer could return to full duty with reasonable accommodation. An argument put forth by Trask at the hearing was that the termination was not a matter for the DCD because the Mayor's policy supersedes the law. Trask's argument is clearly a contradiction with the County Charter, State law, and opposite view of his opinion on the GMO (genetically modified organism) case. Trask closed his case by issuing a clear threat to the employee when he stated that the reason that the officer was terminated was because the officer refused to "play-ball" and instead chose to make it adversarial. The threat was a clear message that employees on workers' compensation fights for their rights provided by law...

Mr. Watanabe: Three (3) minutes.

Mr. Rodrigues: ...they will be punished...

Mayor Carvalho: Three (3) minutes.

Mr. Rodrigues: I have more and I will turn it in.

Mayor Carvalho: Thank you very much, Mr. Rodrigues,  
*mahalo.*

Mr. Rodrigues: That is why you need to change the Rules.

Mayor Carvalho: Thank you very much, Mr. Rodrigues. Can we  
have the next speaker please?

Mr. Watanabe: Next speaker is Glenn Mickens. Glenn will be  
speaking on appointment of the Council Chair, Vice Chair, the Rules, and the County  
Attorney.

GLENN MICKENS: First, congratulations to all you, members  
and Mayor...

Mayor Carvalho: *Aloha.*

Mr. Mickens: ..for being reelected. I am sure you will all  
represent the people as you should be. My testimony is on G2 and H2, C 2015-02.  
First, I want to...like I said, I want to congratulate all of you for being reelected. I  
hope that you do the job that you are elected to do. Under G2, I hope Rule 13(e) is  
left on all agendas, as the public needs and uses it. I would highly recommend that  
in adopting the Rules of the Council and the County of Kaua'i for the public comment  
Rule, 13(e) where it states, "members of the public shall have three (3) minutes to  
speak on any agenda item," the Rule should be changed to read, "on any matter  
relating to the operation of our County government." For example, many issues like  
the Kīlauea Gym roof debacle has been ongoing for twenty-three (23) years and has  
never been resolved. The public should have the right to bring this issue up along  
with any other government related issue and get resolution to them instead of just  
letting them die. Other municipalities allow this type of public comment and it can  
only improve the relationship between the government and the public. I would  
strongly recommend to not only leave 13(e) on the agenda but amending it by  
eliminating the clause "to discuss the agenda item and shall not be allowed additional  
time to speak during the meeting." I believe that this language is a violation of the  
Sunshine Law and I am awaiting the ruling from OIP (Office of Informational  
Practices) about it. Just because a member of the public testifies early on an agenda  
item, that he may not wait until it comes up in the p.m. shall not negate his testifying  
on some other item in the a.m. Again, regarding leaving 13(e) on the agenda, if more  
than six (6) members from the public wish to speak early then simply extend the  
eighteen (18) minutes to whatever time it takes three (3) minutes for those members.  
Do not throw the "baby out with the bath water" by eliminating 13(e) to justify the  
possibility of more than six (6) members wishing to speak early.

Finally, on C 2015-02. I would like to thank the Mayor for appointing Mauna  
Kea Trask as our County Attorney. I believe that he will be well qualified for this  
position; however, a few years ago Mr. Trask wrote an opinion that stated that a  
County Manager type of government was not valid as a form of government for our  
County. Since a group of us including new and past Councilmembers are favorable  
to this type of system which is widely used throughout our Nation, we would  
appreciate being advised if the Council has inquired as to Mr. Trask's current view  
on this subject. Thank you very much.

Mayor Carvalho: Thank you, Mr. Mickens.

Mr. Watanabe:  
Rules.

Next speaker is Joe Rosa speaking on the

JOE ROSA: Good afternoon members of the Council and Mayor. I am here to testify on the County Council to maintain those rules and regulations that are on record right now. I would like to see if any changes are made, are made with the approval of public input so that the people who represent the government have their say. It is nice to have rules and regulations and what does not work, you recheck it, and what needs to be improved, you improve it. That is the way things should be done and not on a one-way street. Also, I would like to see 13(e) still be retained, more so because I had an engagement once with a doctor that came from Honolulu and it was scheduled for 10:30 a.m., and something came up on the agenda nearly that time too. I asked for an early opportunity to say my say but then when I came back in the afternoon, they prevented me from saying anything that I had to say on previous things that were on the afternoon agenda. To me that is not fair because I come to these Council Meetings to see that the people of Kaua'i have something to say by a way of me coming to this Council Meetings. That is why I take time to come in to take and attend these Council Meetings basically for what I hear from peoples' input and hopefully when I make my statements, it is something that is positive and should be carefully looked into for the betterment of government and for the people of Kaua'i. That is why I, as a former government worker, come to these meetings, also to payback for the things that people used to pay me by a way of salaries and taxes. So I am here to see that they have a fair stake in government by a way of my statements. I would like to see it so that I can come back to afternoon meetings after my appointments to have my say on things that are on the agenda that would be something to look into. That is why, as I say, that I am here again to testify on my friends and people that approach me wherever I go. Thank you and I will leave you with this thought.

Mayor Carvalho:  
speakers?

Thank you, Mr. Rosa. Mr. Clerk, anyother

Mr. Watanabe: We have two (2) more speakers. Next speaker is Gabriela Taylor speaking on the Rules.

GABRIELA TAYLOR: Hello. I was distressed to hear about the Rule changes regarding the County Council proposed Rules changes. I would like to see them stay the same in specifically oral testimony. "Testimony shall be limited to three (3) minutes per person," I do not think that is a good idea, I think we should keep the six (6) minutes in place. I am sorry, I cannot find here where it says that the Councilmember who proposes a bill may not be able to get the bill through the Council because it could be rejected by the Chairman. I am sorry, I could not find it. I have been looking and looking trying to find this here, but, do you know what I am talking about? Okay, people know this. I think we need to keep the old Rules. I agree with the previous gentleman wholeheartedly. This is so important for us to be able to testify and to have public say in these Council Meetings and any limitations on this or on bills proposed by the Councilmembers is really against democratic principles. I urge you to keep the old Rules. Thank you.

Mayor Carvalho:

Thank you, Ms. Taylor.

Mr. Watanabe:  
speaking on the Rules.

Last speaker that signed up is Paul Marshal

PAUL MARSHAL: I object to the adoption of this Resolution because it is based on a faulty premise as demonstrated in Section 2, part (a), which says it is to carry out the majority of the Council yet provide the minority fair opportunity to express its view. That will be based on the foregone conclusion that there is a majority that would be appropriate in a two (2) party system. There would be a majority and a minority but we only have...we do not have a two (2) party system so there would be no way to know who is the majority until the vote is taken. I would also like to point out a complication in Rule No. 13 under Order and Decorum, Section (c), "When speaking, a Councilmember shall address the Chair, with any remarks confined to the question under discussion while avoiding personalities." The phrase "avoiding personalities," is problematic in itself, it actually...I think that since...that it is to avoid the complications that can arise from conflicting personalities. So, if I understand this correctly, it says that Councilmembers are not to speak to each other. There has been a great deal made of the need of the Councilmembers to work together as a team and in fact related to the absence of a two (2) party system, there is only one (1) constituency for the entire Council. It seems that not allowing Councilmembers strictly to speak to each other is contrary to the goal of working together. Thank you.

Mayor Carvalho: Thank you, Mr. Marshal.

Mr. Watanabe: That was the last registered speaker.

Mayor Carvalho: Are there any other interested speakers here this morning? I see a hand back there. Ms. Parker.

ALICE PARKER: Congratulations and welcome to the returning and new members of the Council. I hope that you will be able to follow the audit reports of Mr. Pasion's findings and clear up any fuzzy areas, any errors, and omissions, I guess you would call it, so that we can have a tightly funded budget and know exactly where the money is going. Thank you.

Mayor Carvalho: Thank you, Ms. Parker. Is there anyone else wishing to speak? Mr. Gegen.

PAT GEGEN: Thank you, Mr. Mayor, congratulations on your reelection. Councilmembers, congratulations. I too am concerned about the change of the Rules. I have three (3) specific points; one (1) the opportunity for folks to have that, I think it is called the "Consent Calendar," the eighteen (18) minutes upfront to give their thoughts and ideas. It is very important for the working folks of Kaua'i to be able to do that. It is much easier to take an hour or two (2) off early in the morning and go to work to make sure that your points are heard. Second of all I am concerned about not requiring that any bills submitted to the Chair is heard within one hundred and twenty (120) days. There are definitely...you know we all have our opinions and if I was Chair and did not like a bill, it would be very easy not to just let it come to the floor. I feel that there is at least a timeline that is needed or the Rules stay the same, so that at least every bill is heard as it sits whether it is a minority opinion on the Council or majority. Those are my main two (2) concerns. Thank you very much.

The meeting was called back to order, and proceeded as follows:

Mayor Carvalho: Thank you, Mr. Gegen. Anyone else wishing to speak? Seeing none, this public testimony period is closed. The floor is now open for nomination for Council Chairperson.

APPOINTMENT OF THE COUNCIL CHAIRPERSON.

Councilmember Kagawa nominated Mel Rapozo as Council Chairperson, seconded by Councilmember Kaneshiro.

Mayor Carvalho: Any further nominations. If not, nominations are closed. Any discussion? All those in favor of Councilmember Rapozo...

Councilmember Yukimura: Chair?

Mayor Carvalho: I am sorry.

Councilmember Yukimura: I have some discussion please.

Mayor Carvalho: I am sorry. Okay, go ahead.

Councilmember Yukimura: I am sorry to have to vote against the nomination of Councilmember Rapozo for Chair. I was planning on voting for him until today. Earlier after the election when he expressed a desire to be Chair, I spoke with him about how much he had grown in skill and leadership. I also expressed my concerns about how he made certain leadership decisions during the campaign and wanted to get an idea about how he saw himself being the leader of the Council. I also expressed my fears about him cutting off debate and discussion for the sake of expediency. It was a good conversation, he answered my questions well and to my satisfaction. So as you can see today there is no other candidate stepping forward or being put forward for Chair. We all anticipated a unanimous vote today. However actions speak louder than words and last night I asked Councilmember Rapozo if he was open to the idea of adopting the Rules of the "Furfaro Council" as an interim set of rules until both Councilmembers and the public had the chance to understand and give input to his proposed Rules. I reminded him how Council Chair handled it, Chair Furfaro, handled it two (2) terms ago by appointing a Rules Committee or Sub-Committee which I Chaired with then Councilmembers Nakamura and Kawakami as members. We met as a Committee, went over the rules, took public testimony, and made recommendations to the full Council. At the full Council, we went over each recommendation and with public input made the decision to approve, reject, or amend the recommendations. I do not believe we have the time to do that. I also believe that the Rules were not properly formatted so people could see, and if I am making the wrong assumption about where the nominated Chair stands, I hope he will correct me now. I strongly believe the right process must be followed for adopting changes to rules and because of what I understand Councilmember Rapozo's position to be and because I see it as a major leadership call, I regretfully cannot support him as Chair.

Mayor Carvalho: Any other discussion? Mr. Hooser.

Councilmember Hooser: Thank you, Mr. Mayor and interim Chair Rapozo. It is a very difficult time and decision point. We are all here today and we all want to celebrate moving forward. Like Councilmember Yukimura, I was prepared to...up until a few days ago to speak in support of both Councilmembers Rapozo and

Kagawa as the Chair and Vice Chair. Even though we had our differences, we also had our agreements and I was prepared to say, "Let us work together, support each other, and collaborate, and confident that the new leadership would rise to the occasion." Unfortunately with the Rules that are proposed by Councilmember Rapozo, and you have heard some of that testimony today, those rules make me unable to vote in support of the Rules or of the incoming leadership. The Rules we will discuss in greater detail later, but the Rules essentially take away my ability...all of our abilities as Councilmembers to put items on the agenda and therefore it takes away my ability to represent you and the people that elected me to serve. The Rules that are proposed say only one (1) person and that is the Council Chair decides what goes on the agenda. If it is an item that is not important to the Chair, the Chair is not required to put it on the agenda nor is he required to say why or disclose it at all. Working under the Rules that we have now with Councilmember Furfaro, that discretion is there for a little bit, but after hundred and twenty (120) days he has to put it on the agenda. As a Councilmember, my actual...even though a lot of people think you have a lot of power, my power and authority is limited to what is on the agenda and my voice. By limiting the voice of Councilmembers and the voices of the public, it diminishes democracy, and it does not enhance democracy. I would like to go toward that direction of enhancing democracy of giving Councilmembers more ability, greater ability to work collaboratively with each other, to give the community greater ability to provide input. I believe that is where our strength lays. I asked Councilmember Rapozo prior to this meeting if he would consider amending the Rules that we have on the table today in full with the former rules that we have and working under now, and then we can have a process two (2) weeks from now or down the road to consider the amendments and have a full and robust discussion where seven (7) members talk about each part of that. I had asked him and he has not spoken yet but I am sure he will. I had asked him to consider that method and I remain hopeful that he would consider doing that – put the Rules issue to rest for today, allow me personally to vote in support of the new leadership team coming in, and then have a full and robust discussion where all of us decide on the Rules two (2) weeks from now. Regardless of what happens today, I am fully committed to supporting the team that is elected to serve on the Council and respecting and honoring the will of the majority. But I will, at the same time, continue to speak up for the people in the community and speak out as myself, as an individual Councilmember. We are all elected. We are all equal. All seven (7) of us are equal up here. I think it is important for the community to understand the reason for the vote. Thank you.

Mayor Carvalho:  
Kagawa.

Any further discussion? Councilmember

Councilmember Kagawa: Thank you, Mayor. First, I would like to start off by saying that I really am quite disappointed by these statements. I think Councilmember Rapozo has a lot of experience, respect, and fight for the small guy. I think it is well-deserved that he finally will have the opportunity to lead this County as we struggle with a lot of issues. Regarding agenda items being placed automatically after a hundred twenty (120) days, I have grave concerns about placing anything on the agenda especially items – bills that have problems in Court, legal issues. You set a very dangerous precedent by allowing anything to be placed on the agenda within a hundred and twenty (120) days and that is for protection of the public. We have to be wary that the bottom line is, "Let us pass good bills." If we pass good bills, we can help our County. I will be supporting Councilmember Rapozo and although we may have some disagreements today, I vow to move forward, work collaboratively with everyone, and try to help our County get in a better position in the next two (2) years. *Mahalo*.



Mayor Carvalho:

Further discussion? Mr. Kuali'i.

Councilmember Kuali'i: Thank you, Mr. Chair – Mayor. I too am disheartened by what is happening today by couple of my fellow Councilmembers and the statements that they have made. Councilmember Mel Rapozo, as I have known him over the years, as a constituent, as a colleague, has always been an honorable public friendly leader and servant. I am honored to support him today. People have talked about enhancing democracy, as if to say that we would not be in support of rules that enhance democracy. Of course we are. Citizens' comments three (3) minutes, you sit back down, you give other people a chance, after you have gone through the whole list, and then you come back and take an additional three (3) minutes – if you require that. You can make your points in three (3) minutes. If you need six (6), give people a chance to have their three (3) minutes, and then come back. That is how it has been in the past. Everybody is talking about the "Furfaro Rules," now...but what about the "Asing Rules," what about the...you know there are many Chairs before. Every Chair has stepped forward to best serve the public. Now, if we have Chair Rapozo, it is his right to step forward and propose the rules and if the Council supports that, in the best interest of the public, which we all intend to do, you know we are here to serve you, then so be it. We are concerned in reacting to what we have learned in this last campaign and that is that people wanted us to be more efficient, they wanted us to get more business done in our meetings, and they wanted us to be more fiscally responsible with the budget. We have to do what we have to do to honor you and serve you and we are going to do our best. There is no limiting of democracy here. We are all about enhancing democracy, so to make any kind of statements that suggest otherwise is simply unfair, disheartening, and it lacks *aloha*, especially on a day like today when we should all be celebrating each other and be thanking each other for stepping forward to serve. I thank you, Mr. Mayor and I thank you, hopefully, Mr. Chair.

Mayor Carvalho:

Any further discussion? Mr. Chock.

Councilmember Chock: My hope as well was that we would get through a smooth Inauguration today and I wanted to *mahalo* everyone for being here and doing this with us. I too am concerned on some of the Rule changes and my hope is that we might look towards a time in the future to deal with some of those in open session with more public input, as we have in the past. The idea of leadership encompasses many aspects one (1) of the five (5) practices is enable other to act and that is to make people able to and that includes strengthening others, looking for collaborative opportunities, and building a climate of trust. I believe that is what has been asked for here out of our Council Chair-elect. While I might not agree on the proposed Rule changes that are before us today, I think that what we want to do is encourage more empowerment of our people and their voices, and offer them as many opportunities to contribute. I also want to offer the opportunity for our Council Chair-elect Mel Rapozo to expand his leadership abilities as well as Mr. Kagawa's abilities as Vice Chair, and I will be supporting them on this issue.

Mayor Carvalho:

Any further discussion?

Councilmember Rapozo: Yes, I guess I should respond. Unlike Councilmembers Yukimura and Hooser, I was not sure of a unanimous decision today. I was not sure of anything today because as you know a lot of things can happen in this thing we call "politics." Much has been said about the Rules. I think Councilmember Kuali'i said it best that there have been many Chair's that have

blessed this island with their leadership and I happened to serve under a few of them. Through my time on the Council, I have been...in my opinion I have experienced what I believe works and what I believe does not work. People have to remember one (1) thing – this is a proposal by Mel Rapozo, Councilmember. I am not even the Chair yet. At the end of the day, this Council will vote on the Rules. Mel Rapozo would be one (1) of seven (7) votes. This is what I believe this County needs. Throughout the campaign, we heard from many of you – many of you, “You know, I stopped watching the meetings already. It is going on too long. People ramble and repeat themselves.” Yesterday, I guess, a Facebook post going all over the world saying that Mel Rapozo is cutting the speakers time in half, simply not true, but people responded. They were incited to respond and say, “Hey, why are you doing this? Why are you cutting the publics’ opportunity to speak?” I am not. I do want to recognize Council Chair Ernie Martin here from City and County of Honolulu and I can tell you right now they get three (3) minutes to speak and that is it. Maui has three (3) minutes to speak and that is it. Big Island has three (3) minutes to speak and that is it. Kaua’i has three (3) minutes plus three (3) minutes, you have six (6) minutes. And this whole thing about the 13(e) from my good friend Mr. Mickens sitting in the back there and I will go over this more and I apologize but I feel like I have to respond now. 13(e) what was not said was that OIP has issues with that and not just because of what Mr. Mickens talked about limiting people from speaking a second time later in the day, no, their other concern was limiting the number of speakers period. With that rule eighteen (18) minutes, you get six (6) people that can speak – what happens to number seven (7) and number eight (8), and number nine (9) – you tell them, “Sorry, we are not going to let you speak because you just happen to walk in a little bit too late.” Unfair. I think Councilmember Yukimura has already told me that she was going to, “run me through the ringer on all of the Rules changes,” and I welcome that. I think there is a reasonableness to why I am suggesting these Rules changes. Again, at the end of the day, I am one (1) of seven (7) votes. I appreciate the comments from Councilmembers Hooser and Yukimura, I do, and I take it to heart. I also appreciate...I actually like the comments from Councilmembers Kualii and Kagawa more, but I take all the comments to heart. I take this job seriously. One cannot say that I am an unfair Councilmember and to insinuate that I would withhold a resolution or bill from the agenda that was legal and defensible, I think is unfair, because I would never do that. We have to build the trust. I have spoken to the Mayor about this – about making government more efficient, collectively we have to do that, but as Chair, it starts with me at the County Council. People do not understand the cost of a Council Meeting. People do not understand that when we go beyond an hour or two or three because people are speaking over and over and over, that it costs money. We are trying to bring efficiency to the County Council as well, it starts with us and that is my plan. I appreciate the support. I also appreciate the comments from the opponents, but my commitment is that I will do my best to improve the County Council. I believe I can do that and I ask for your support. Thank you very much.

Mayor Carvalho: Being that there is no further discussion,  
Mr. Clerk, may I have the roll call vote please?

The motion to nominate Mel Rapozo as Council Chair was then put and carried by the following vote:

FOR MOTION:	Chock, Kagawa, Kaneshiro, Kualii,	
	Rapozo	TOTAL – 5,
AGAINST MOTION:	Hooser, Yukimura	TOTAL – 2,
EXCUSED & NOT VOTING:	None	TOTAL – 0,

RECUSED & NOT VOTING: None

TOTAL – 0.

Mr. Watanabe: 5:2 for Mel Rapozo.

Mayor Carvalho, the Chair Pro Tem, relinquished the Chairmanship to Mel Rapozo.

Council Chair Rapozo: The Council Meeting will now come back to order. Again, I want to thank all of you for your support, and thank all of you for being here today. The floor is now open for nominations for Council Vice Chair.

APPOINTMENT OF THE COUNCIL VICE CHAIRPERSON.

Councilmember Kualii nominated Ross Kagawa as Council Vice Chair, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Are there any further nominations for Council Vice Chair? If not...let me ask for a voice vote.

The motion to nominate Ross Kagawa as Council Vice Chair was then put and unanimously carried.

Council Chair Rapozo: Congratulations Ross Kagawa for being the Council Vice Chair. Clerk, can we have the next item please?

RESOLUTIONS.

Resolution No. 2015-01 – RESOLUTION APPOINTING THE COUNTY CLERK OF THE COUNTY OF KAUAI: Councilmember moved for adoption of Resolution No. 2015-01, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion? No discussion? Mr. Clerk, please call the roll, and for your information the nomination of the County Clerk is Ricky Watanabe.

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kualii, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: Motion carries, congratulations. At this time the Chair will call a recess for the swearing in of Mr. Watanabe as the new County Clerk.

Mr. Watanabe: Mr. Chair, also we have further down the agenda the appointment of the Deputy County Clerk. Can we swear both of us in at this time?

Council Chair Rapozo: Sure. The Deputy County Clerk is Jade. Congratulations Jade Fountain-Tanigawa.

There being no objections, the meeting recessed at 12:43 p.m.

The meeting was called back to order at 12:45 p.m., and proceeded as follows:

Councilmember Hooser: Mr. Chair, if I may have a point of personal privilege?

Council Chair Rapozo: Sure.

Councilmember Hooser: I missed the opportunity to recognize and to say appropriate remarks about the County Clerk and the Deputy County Clerk prior to their swearing in.

Council Chair Rapozo: Okay.

Councilmember Hooser: And I just wanted to acknowledge for all of us and for the community, the tremendous hard work that these two (2) individuals give to the people of the County of Kaua'i year after year after year. You hear some of the discussion and you know that there are seven (7) strong personalities that these two (2) individuals have to serve and work with and they do a fabulous job at the work that they do, managing a fabulous Council Services Staff, and maintaining the trust and confidence of each Councilmember is just an incredible task and I wanted to acknowledge them for that work. Thank you.

Council Chair Rapozo: Thank you very much, Councilmember Hooser. In the interest of time Ricky, Jade, and all the Staff – we will take those comments as representative from all of us. We are back from recess. Clerk, can we have the next item please?

Resolution No. 2015-02 – RESOLUTION ADOPTING THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS: Councilmember Kuali'i moved for adoption of Resolution No. 2015-02, seconded by Councilmember Kagawa.

Councilmember Yukimura: Mr. Chair?

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I had asked you earlier and you said you would go over each of the changes.

Council Chair Rapozo: Yes, I did. I just want to remind Councilmembers and not that I am trying to...we may...it looks like we may have to recess this meeting for the 1:00 p.m. Ceremony and then come back.

Councilmember Kagawa: Point of order? I call for the question.

Councilmember Yukimura: Mr. Chair, I...

Council Chair Rapozo: Okay, hold on. The point of order requires a motion and a second and five (5) votes, I mean not the point of order but the call for the question.

Councilmember Hooser: Can we move to amend?

Council Chair Rapozo: Hang on. Councilmember Yukimura, you have the floor. You are going to test me today. Councilmember Yukimura, you have the floor.

Councilmember Yukimura: Actually, my request and I thought you were beginning to answer my request was to go over the changes in the Rules that you are proposing.

Council Chair Rapozo: I sure do, I have my brief case right here. Do you have any specific Rule that you are interested in?

Councilmember Yukimura: Oh, I thought we should go over each Rule so that everyone knows what are being proposed as changes and they are not clear in the Rules that are attached.

Council Chair Rapozo: Okay. Discussion, Councilmembers?

Councilmember Kualii: Can I?

Council Chair Rapozo: Councilmember Kualii.

Councilmember Yukimura: Are you going to go over the Rules?

Council Chair Rapozo: I am but... Councilmember Yukimura, we are pressed for time right now. I am not going to start going into a one (1) hour dialogue with seven (7) minutes left. We can come back after the function. I am more than prepared to go over the Rules changes.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: I would be open to recessing and coming back but I would also be open to handling our business today and we have another meeting in two (2) weeks, and then two (2) weeks after that. There are plenty of opportunities to make amendments but in the interest of time and in the interest of all the folks that are in the building next door lining up and the *kupuna* and everyone there, we cannot stay here indefinitely.

Councilmember Yukimura: Mr. Chair? I have a solution to suggest...I have an amendment that would insert the old rules and then it would allow us to come back to consider the changes and it would also give public notice...

Council Chair Rapozo: Is that a motion?

Councilmember Yukimura: Um.

Council Chair Rapozo: Is that a motion?

Councilmember Yukimura: No, not at this point.

Council Chair Rapozo: Okay, well...

Councilmember Yukimura: But I am suggesting it for discussion purposes.

Council Chair Rapozo: Well, you make a motion, you can put it on the floor, and we can have discussion.

Councilmember Yukimura: Okay.

Council Chair Rapozo: So if you have an amendment, make the motion, get it on the floor, we can have the discussion, and we can vote on it and move on.

Councilmember Kagawa: Mr. Chair?

Council Chair Rapozo: Hang on.

Councilmember Yukimura: I think Councilmember...okay...alright.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: In the interest of time I would suggest that we take a vote on the Resolution as is and see if we have four (4) and then we can go on to the procession.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: Just so that the public knows when someone makes a motion to call for the question, what that says is that it is a move to cut off debate. When we first started this discussion, we talked a lot about diminishing participation and democracy, and these Rules govern the conduct of the Council and how things...and they deserve a full and robust discussion. There has been many changes. You heard about three (3) or four (4) of them but there are many more. To ask Councilmembers to vote on such a complex item without having that discussion and having questions back and forth, I think is not appropriate. I would support the amendment that Councilmember Yukimura is proposing and that we move forward. Those rules have served the Council well for two (2) years. Just so people know if there is an item that goes on the agenda that is illegal or inappropriate, it can go on time and then four (4) members can vote it down, it is not like it has to be passed into law. Those rules have served us well, Council Chair, for two (2) years and I think given the day today, we can operate under the old rules for two (2) more weeks, we can have a full discussion, and go over in detail which this deserves. That would be my suggestion.

Councilmember Yukimura: Thank you. I move to...

Council Chair Rapozo: Thank you...hang on, hang on...thank you. Let me just say this because I am going to call for a recess shortly so we can go on to the next function. The Rules went out last week. The Draft Rules went out to all Councilmembers, I did not see an amendment, I saw absolutely nothing until Thursday and Friday or in fact Saturday. It is going to take a while to go over the Rules. Many of the changes in the Rules are housekeeping changes. It is cleaning up the Rules after many years and some of them are substantive. We will come back after the Ceremony, we will come back and reconvene because I am not going to hold

up the public that is over there that came from far to see their family and friends because we cannot agree on some rules.

Councilmember Yukimura: Then Mr. Chair, I moved to amend.

Councilmember Yukimura moved to amend Resolution No. 2015-02 as circulated, as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Hooser.

Council Chair Rapozo: Okay. There is a motion and a second.

Councilmember Yukimura: I...

Council Chair Rapozo: Councilmember Yukimura?

Councilmember Yukimura: Yes.

Council Chair Rapozo: I am calling a recess and we will reconvene with your motion on the table.

Councilmember Yukimura: I would just like to clarify what my motion is. It is to substitute in its entirety, the existing rules or the rules of the prior Council so that we could buy some time and not hold people up.

Council Chair Rapozo: Okay. I understand, Mr. Hooser made that quite clear. Thank you, we are in recess.

There being no objections, the meeting was in recess at 12:53 p.m.

The meeting was called back to order at 12:54 p.m., and proceeded as follows:

Council Chair Rapozo: I will call the meeting back to order. Mr. Clerk, can you read C 2015-02.

There being no objections, C 2015-02 was taken out of order.

### COMMUNICATIONS:

C 2015-02 Communication (11/20/2014) from Mayor-Elect Bernard P. Carvalho, Jr., submitting for Council confirmation, the appointment of Mauna Kea Trask as the County Attorney: Councilmember Yukimura moved to approve C 2015-02, seconded by Councilmember Kagawa, and carried by the following vote:

FOR APPROVAL:	Chock, Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: Congratulations.

There being no objections, the meeting recessed at 12:56 p.m.

The meeting was called back to order at 3:38 p.m., and proceeded as follows:

Council Chair Rapozo: Let the record reflect that all members are present. When we broke for the Ceremony, Councilmember Yukimura had the floor. She had introduced an amendment that was seconded, so Councilmember Yukimura, you have the floor.

Councilmember Yukimura: Thank you, Chair. I am introducing this amendment which replaces the proposed amendments with the rules of the old Council or the former Council, except with respect to Committees, they do reflect the new Committees. But I am doing this in the hopes that we can agree to operate under the rules that everyone is familiar with and then perhaps at our next Council Meeting or Committee Meeting, have a chance to go over in detail the proposed changes that you are making, take more extensive public input, and then make decisions change by change. I agree with some of the proposed changes, it is not in my mind about the specific amendments, it is about the process because we do not know what we do not know until we actually go over it and discuss it. It was brought to my attention that there is an OIP opinion, for example, that makes Rules 13(e) the one that allows the public to speak up front for three (3) minutes that makes it problematic. There are ways to amend that rule without eliminating it entirely and we are not really having the chance to discuss that. We really owe it to the public and to ourselves to go over this in a deliberate way – Rule by Rule, sharing what knowledge we have, sharing the perspectives we have, considering amendments that might allow us to have the best of both worlds. Right now if we just wholesale adopt the changes, we will not be able to do that. Also, the formatting of the proposed Rules made it difficult for...I do not even know if I know all the Rules that are being proposed for change right now. On some of them, I am not sure exactly what my stand would be without hearing a full discussion about the pros and cons for it. I am really talking about process and this proposed amendment before us would enable us to get to the right process, I believe, with continuing with the rules that everyone is familiar with and then considering, with all due respect and deliberation in the Rules that you have proposed.

Council Chair Rapozo: Thank you. Any further discussion?  
Councilmember Kagawa.

Councilmember Kagawa: Earlier I wanted to bring up the fact that, in response to public testimony regarding the Rule changes, I think you basically covered all three (3), which is why I did not think it was necessary for you to repeat the reasons for the major changes to the Rules. One (1) being problems with OIP in having the eighteen (18) minutes to the meeting, you allow six (6) people, three (3) minutes each, what about the seventh (7<sup>th</sup>), eighth (8<sup>th</sup>), and ninth (9<sup>th</sup>) person – they cannot talk? They have to stay for the whole meeting until their item comes up? Is



that fair to allow only six (6) people the privilege of coming early and having their three (3) minutes? I mean it is just common sense. The second Rule you talked about was regarding...left my mind but all of the answers were given by Councilmember Rapozo, I mean, it is an improvement. Other Councilmembers feel like the leadership and the rules under Chair Furfaro were good. I do not feel that way. I do not feel that putting bills that have problems with legal opinions of our County Attorney is a good process. I feel that the County Attorney should clear the bill before it gets on the agenda. That is why you need that catch whereby it does not automatically go on the agenda. To put a bill on the agenda that has problems, what good does that do? It does not help anybody to have litigation. We should have good bills that go on the agenda. Again, common sense, is it a perfect resolution? Can it not be amended? Of course, it can get amended. We can amend it next week. We can amend it next month. I like the public testimony amendment regarding not voting in alphabetical order. I think it is unfair for Councilmember Chock to always have to go first and to have Councilmember Yukimura always have the benefit of going last. Again, we can always tweak this Resolution but is it an improvement over Chair Furfaro's rules. I think so. I do not need more time to say, "Let us go with a better plan now then wait two (2) weeks," and for me that is the worst plan on the books. There are just my feelings at this point and I am fully open, in the spirit of leadership to amend and tweak the Rules in the near future. Let us know what proposals you want amended and let us put it on the agenda and let the public vet it, but for now the common sense changes, I feel, we should do. Specifically regarding the OIP – the eighteen (18) minutes, though I feel it is a great benefit to the public but if it has legal issues, what can we do? We need to be fair to everybody and not only to the first six (6) people that show up.

Council Chair Rapozo: Councilmembers, the item on the floor right now is Councilmember Yukimura's amendment. Is there any further discussion on Councilmember Yukimura's amendment? Councilmember Hooser.

Councilmember Hooser: I am speaking in support of the amendment. I think that the amendment proposes that we start from a place that we are familiar with – five (5) of us, I guess, are familiar with. We are familiar with the territory, we understand the rules, and then we move to a spot at a future Council Meeting, possibly as early as December 17, to then thoughtfully go through all the various changes that are proposed. I think that is a reasonable approach to the situation. What we have now is an amendment before us that we do not have a clear outline of all the changes, we do not. That is just the bottom line. We do not have a clear outline that is in front of us that is different from what the Council has been working on. There are some discrepancies in terms of what was said here at the table and those deserve to be explored. The public believes and I believe that the rules under, I would say the existing rules that the Council has been operating under, provides the public six (6) minutes of guaranteed time and an additional four (4) minutes at the discretion of the Chair. That is what the rules say – three (3), three (3), and four (4). Three (3)

and three (3) are guaranteed. The proposed measure as I understand it, guarantees only three (3) minutes and at the discretion of the Chair offers another three (3) and I would be happy to be corrected on that but that is my understanding. There is a distinct legal difference with the amount of time the public can speak and again there is a difference of opinion. Some people at this table believe it is different from what I said, so we deserve to have that conversation. As Councilmember Yukimura had mentioned I believe there are different approaches to solving the same problems or the same changes whether it is eighteen (18) minutes, or whether it is three (3) minutes, whether it is the issue of being concerned about a bill going to the floor without being properly being vetted. We all know that four (4) of us can vote down any bill that comes on the floor. I would be kind of hesitant to put the County Attorney in a position of deciding which bills we can hear and which bills we cannot hear. I appreciate the County Attorney's opinion on it but it is our decision to choose those bills and not the County Attorney. Those discussions could be had.

The other area that I am especially concerned with is the, "taking away of the power of the Committee Chair to hold workshops." Under the existing rules and under existing practice, Committee Chair's can have an educational workshop on any issue within their preview. It does not have to be on the agenda, or have the approval of the Chair. That has been the practice in the past. We recently had two (2) Water Workshops, we had a Finance Workshop, and under these rules, we would not be able to have those workshops period, unless they were on the agenda. Sometimes I think it is worthy and a worthwhile exercise just to have a public discussion about something without a resolution or a bill. Let us have a public discussion, let us vet the issues, and let us get educated and under these Rules, we are not allowed to do that. Often times bills are vehicles for discussion in the community. They may not be properly vetted or are fully explored but the community often times wants the discussion and wants to have a dialogue and a bill is a vehicle to do that; a public dialogue. Again, the Council has the prerogative for something frivolous, something illegal, or something they do not support to vote it down on first reading and not consume any additional time. I would encourage all of us to think about this, this is an important decision that we are making here. Let us take a breath, let us continue with the existing rules as proposed, and two (2) weeks from Wednesday, we will revisit the issue and take the time that is necessary to explore these issues and have the proper discussion and debate. Thank you.

Council Chair Rapozo:

Councilmember Kualii.

Councilmember Kualii: I just wanted to express that I agree with comments of Councilmember Kagawa and I do want to also say that today is the first day of this new Council. By process and tradition we should be moving forward. What had happened this morning, in my opinion is wrong, and that the only reason we are at this point with regards to the Rules is because at least one (1) or more individuals decided to take the draft or the proposed rules that we have all had for more than a

week and I did my due diligence in reviewing it, but instead spread misinformation. Yes, Councilmember Hooser, "No, the six (6) minutes is not limited to three (3) minutes," it is just returning to... Council Chair Furfaro chose, to be, in his opinion, it was more efficient, while the person was sitting up there to not let them go back and sit down and then come back up for their next three (3) minutes. You might argue that is more efficient, but some of us feel that it is unfair to the people who are waiting and that the original rules from prior Chairs, if you go back and read it, in fact the rule has not really changed, it is how it is being applied. If this new Chair wants to apply that three (3) minute rule more directly to the point of, "yes public, please come make your points, make your testimony," now, this is oral testimony because you always have the right to submit your testimony in writing and that can be ten (10) minutes or however much you want to write. I prefer summaries, you know, because we have a lot of testimony to read but just the point of making your three (3) minutes, going back to your seat, moving through the list, and when the list is completed that you come back and get your next three (3) minutes. You still have the right to six (6) minutes, you just have to wait the second three (3) minutes. Nobody is taking away your second three (3) minutes. The information that is being spread around and people are saying that these new Rules will limit the public testimony is simply not true. If we can get pass the misinformation and actually look at the actual Rules and if we as Councilmembers do our homework, we can see what those proposals are. There are some changes but none of it is limiting you to three (3) minutes, instead of six (6) – that is just false. Whoever is spreading that is just false and you can go through that step by step or we could have been pass this already because we did our homework.

Councilmember Hooser:                      Chair?

Councilmember Kualii:                      And let me just remind us too that this is the first meeting so to say that this new Council has to take the old rules, I was not on the last Council. Councilmember Kaneshiro was not on the last Council. If we reviewed this Resolution and we believe that we want to move forward with this, ultimately there would be a vote and four (4) votes will decide, but it is not fair to us to say that we have to do that. The Resolution before us, you can look at each point and...yet, if the point is we want to get through this day, we can get through this day by passing this Resolution which everyone had, and then we can amend it at the next meeting, or we can stay here all night.

Councilmember Hooser:                      Chair?

Councilmember Kualii:                      ...or go point by point.

Councilmember Hooser:                      The previous speaker basically said that I was misinformed and that I have the wrong information and that I mislead the public. I would like to point the Council to page 17 of the proposed Rules that are on our

agenda. Page 17, at the top of the page, number 6. It states, "Oral testimony shall be limited to three (3) minutes per person." "Oral testimony shall be limited to three (3) minutes per person." Later it says, "the Chair may allow for an additional three (3) minutes," so I am correct in my statement and I ask the previous speaker to withdraw his allegation that I am misinformed.

Councilmember Kualii: I withdraw if what you were saying was guaranteed, but obviously, you do not trust this Chair to allow public testimony and I do.

Councilmember Hooser: Chair, I am comparing the facts of the two (2) proposals. I am not comparing anybody's honesty or intention. My statements were public statements that compared the facts of the two (2) statements and I stand on that record and I wish we would all focus on the facts. Thank you.

Council Chair Rapozo: Okay. The amendment is on the floor.  
Councilmember Chock.

Councilmember Chock: Yes, Chair, just clarification on process. Is it the intention for the body to vote this up or down and then vote up or down the Resolution and either way come back – what I heard December 17, 2014 to consider amendments because I just want to know where this is going to end up.

Council Chair Rapozo: It is the intention of the Chair to entertain Councilmember Yukimura's amendment and as soon as the discussion is done, we are going to call for the vote. If that passes, it is over and we move on with the existing rules. If it does not then we are still back to the main motion which is the proposed Resolution.

Councilmember Chock: Okay.

Council Chair Rapozo: Councilmember Yukimura has asked me to go through each Rule, but yet I never had the opportunity to do so and I cannot do it now because we are on the amendment. If there is no more discussion on Councilmember Yukimura's amendment, I would...

Councilmember Yukimura: I do.

Council Chair Rapozo: Okay go ahead. Is somebody timing us? Do you have a timer? Five (5) minutes.

Councilmember Yukimura: You see that is why rules are necessary, because it is not about trust or anything, it is about having clear rules by which to operate. I just want to let everybody know that if we go back to the proposed Rules,

I have at least nine (9) amendments to propose. Shows how unwieldy things will get. I cannot agree with the idea of just passing the proposed Rules. It is like saying, "Okay, just pass the bill and maybe we can come back later to amend it." That is not the way the Council should be doing its business, we need to really go over it and you have seen already how much discussion one (1) Rule is bringing up. I do want to ask if Council Vice Chair Kagawa will yield to a question?

Councilmember Kagawa: Sure.

Councilmember Yukimura: You mentioned three (3) amendments in Council Chair Rapozo's proposed Rules, is it your understanding that there are just three (3)?

Councilmember Kagawa: Three (3) major...

Council Chair Rapozo: Again...

Councilmember Kagawa: Three (3) major changes...

Council Chair Rapozo: Hold on. We are on the amendment, JoAnn, your amendment.

Councilmember Yukimura: Well his discussion was part of the discussion about my amendment.

Council Chair Rapozo: I know but if you are going to have nine (9) amendments to introduce, let us talk about your amendment so we can get to the vote.

Councilmember Yukimura: Well, the reason why I asked is because Councilmember Kagawa seemed to be thinking that there are only three (3) issues at hand and there are not just three (3). There are many. There are some that are housekeeping but there are more than three (3) major issues in these Rules and I think we owe it to the people. I do not believe that the Councilmembers even if they read the Rules, really understand all the implications of the proposed changes. That is why discussion is important. This amendment before us is providing an orderly way to take up the proposed changes but to do it so that we have enough time to discuss, share our perspectives, and actually hear from the public, because the public was not clear about all the changes. To limit them to three (3) minutes is difficult if they did not know what all the changes were and many more could have submitted written testimony, but you can tell from the Rules what the changes are.

Council Chair Rapozo: Thank you. Any more discussion? Go ahead.

Councilmember Hooser: There are many, many, as Councilmember Yukimura mentioned, amendments that were proposed that need to be discussed. Some for example, the proposal that the Council Chair has proposed, prohibits Councilmembers from asking questions at public hearings. Previously, rules that we have been operating under said keep your opinions to yourself but questions were allowed. These new Rules specifically say, "No questions." There are many things like that buried throughout this document and again it just bares testimony to the need to have an informed decision. We are not compelled to vote just because it is the first day, I mean, we are not compelled to vote. This is not a ceremonial meeting, this is a real meeting, where real leaders are elected, real business is conducted and we should not refrain from acting like little Councilmembers because we think it is all about ceremony. If we have serious issues, which I believe I do, and I think other Councilmember have those issues, we should have that full discussion and have the discussion from you, Chair, as to the rationale behind the changes that you made and that is what I hope to do on December 17, 2014. Take as many of those as we can and vote them ad seriatim and at the end of the day we have a document if not a hundred percent (100%) support, an eighty percent (80%) support of most of the items. I think it would be an improved document because I believe that the combined wisdom of seven (7) of us with the public contributing would result in a far better result. It is just my experience in life, if you would. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Go ahead, Councilmember Kagawa.

Councilmember Kagawa: It seems like we were talking about not allowing questions during public hearings as one (1) of the things – like it is a new concept. It was a concept for many years back when Maxine Correa was on the Council, she is sitting back there, and Ron Kouchi was there... I was a staff member for the Council for six and a half (6.5) years. There were no questions during public hearings. It is a time for the public to present their side of the story without there being rebuttal or questions as to make them feel like they cannot express what they want, without being under the discretion of Councilmembers who may disagree with them. I agree wholeheartedly with that amendment. I do not need to have public testimony to convince me on an issue such as that or to convince me that a problem with OIP is not serious. Beauty is in the eyes of the beholder. I think this is a much better Resolution then the current one under Chair Furfaro. I did not like the way that the Council had been operating for the previous two (2) years before I decided to run and I did not really support Chair Furfaro, it was Councilmember Nakamura who I had supported for Chair two (2) years ago, and I wanted a new direction. This is, I believe, a chance for the Council to go into a new direction and so I hope that we can become more efficient, we can tackle tasks at-hand rather than for instance hold a workshop that does not pertain to the County Council's business and be forced to do so. I think we should be focused on what is our function, that is my belief but everybody has a different opinion.

Council Chair Rapozo: Okay. I am going to move towards a vote and when we get to the main motion, I think it is important that I do go through briefly all of the changes. I will do it briefly and just so that...you know I got to say that this draft went out... when did this draft go out, Ricky?

Mr. Watanabe: Last week Monday.

Council Chair Rapozo: Last week Monday, a week ago. And this is an important part of what we do as we prepare for the Inauguration. As Councilmembers got the set of Rules, it is important for them to look at it. It is important for them to start looking at it and draft amendments at that time. I respect everybody's position on this table but I think that this Council is tasked with certain responsibilities; one is drafting these Rules, and passing these Rules today. Yes, we can amend it and bring back the old Rules but I believe that these changes will bring more efficiency to the Council. I think it will bring more opportunity for people to speak. Right now we have people leaving the room because when they look at the line, they know six (6) minutes per speaker, plus the questions from the Councilmembers, it is an hour to three (3) hours and they leave without testifying. I do not want to see that. I want to see like the old days with three (3) minutes, you go sit down and then the next guy comes up and you get to spread the wealth on the first go-around. That is what I would like to see. I will go through this real briefly and you know what, I got all night, I think we all do, if we want to do that. Are we ready for the vote? Let us do a roll call vote on Councilmember Yukimura's amendment please.

The motion to amend Resolution No. 2015-02 as circulated, as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and failed by the following vote:

FOR AMENDMENT:	Chock, Hooser, Yukimura	TOTAL – 3,
AGAINST AMENDMENT:	Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 4,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Watanabe: Four (4) nos.

Council Chair Rapozo: Let me do this, if everyone has a copy of the Rules, does everyone have a copy of the Rules? We are going down...you should have what Staff provided and we will start with Rule 1. Rule No. 1 Emergency Meetings – is a housekeeping change. I think the big one in Rule No. 1 is the Workshops and let me explain why I proposed this. The workshop costs money. The workshop utilizes Staff time. The workshops...and all this says is, "Workshops with the approval of the Council Chair," because you got to understand that somebody has to control or be in charge of the financial part of this stuff, it is not that simple. You go do a workshop, you go get Hoike and you go get the facility, and you get whatever you need to get which comes with a cost. I think that has to be...we need to have a better grasp on that. The other part of it is it requires the workshop to be on...something that is on the Council business because that is what we do. Nothing prohibits anyone of us here on the Council to go host a community meeting, no one is prohibited from doing a community project with a community – nobody is prohibited from doing that. But when we start utilizing the workshop resources and then...I mean the Council Services resources, in my opinion it should be pertaining to something that is Council business. We blast the Mayor every chance we get to cut costs, every chance we get, blasting the Mayor, and we are not concerned about those things and I am – I was just handed a note that Hoike is two hundred fifty dollars (\$250) an hour. Two

hundred fifty dollars (\$250) an hour to have Hoike broadcast these workshops. Do the math ladies and gentlemen. It is a fiscal issue, an efficiency issue, and again, if you have an agenda item, if it is a project that the Council is working on, there is no problem. But it is when we start reaching outside of what we are doing and conducting workshops that take County Council's resources, that is my problem. Rule No. 2...

Councilmember Hooser: Chair, do you take questions as you go?

Council Chair Rapozo: Let me just go through all of them or else we will never move on.

Councilmember Hooser: Okay. Because some of the bigger ones...

Councilmember Yukimura: Question about procedure?

Council Chair Rapozo: Yes.

Councilmember Yukimura: So you are going through every one of them...

Council Chair Rapozo: That is at your request, Councilmember Yukimura.

Councilmember Yukimura: Okay.

Council Chair Rapozo: That was at your request.

Councilmember Yukimura: Because I have an amendment on this to propose. So, are we going to come back ad seriatim take decision-making on every one?

Council Chair Rapozo: You can make a motion to take it ad seriatim.

Councilmember Yukimura: And we will have a decision?

Council Chair Rapozo: You know I think it is getting to the point where we just vote. I mean...

Councilmember Yukimura: Well...

Council Chair Rapozo: Anyway, JoAnn, let me just finish going through the Rules, JoAnn, so that people can understand why...everybody is asking, "Why the rationale? They want to know why I did what I did."

Councilmember Yukimura: Okay, well, I think you missed a Rule...did you not miss a Rule in (c) on page 3? Is there not a change there?

Council Chair Rapozo: No, that is just the Committees that is split up when we get to the Committees.

Councilmember Yukimura: But the order of the Committees on the Committee day is changing.

Council Chair Rapozo: Correct.



Councilmember Yukimura: That is an amendment right? There is deletions and underlines, so did you miss that or are you coming back to it?

Council Chair Rapozo: That is a housekeeping issue. That is not a substantive change.

Councilmember Yukimura: I guess I would disagree. It determines when different issues come up...why was the change made? What is so housekeeping about it?

Council Chair Rapozo: That was a Staff recommendation. That was not mine.

Councilmember Yukimura: Okay, and what was the reasoning?

Councilmember Kualii: So, are you going ad seriatim?

Council Chair Rapozo: No, no, we are not going ad seriatim. She has a question about why we changed the order of the Committees'.

JADE K. FOUNTAIN-TANIGAWA, Deputy County Clerk: The order of the Committees were set just because the Committee structure changed. So, we no longer have, as an example, two (2) Economic Development Committees, we have one (1). There was no...well as far as Committee of the Whole that has always been last, Finance has always been towards the end...

Council Chair Rapozo: Was there a malicious intent by myself to set up the Committee like this?

Ms. Fountain-Tanigawa: No.

Council Chair Rapozo: That is just the feeling I got.

Ms. Fountain-Tanigawa: No malicious intent, no.

Council Chair Rapozo: This is a housekeeping measure. The Committee structure changed ladies and gentlemen, we changed the names of the Committees from the last term. We went back to the old style, more general broad Committees. The Staff puts them in order that they put it in. There is no reason – rhyme or reason, it is just done that way.

Councilmember Yukimura: Well the first...

Council Chair Rapozo: Do you have a problem with the way it is set up?

Councilmember Yukimura: Well the first two (2) Committees which includes my Housing & Transportation Committee did not change at all so I am wondering why Planning and Housing & Transportation are not in that original order?

Council Chair Rapozo: Would you want that in...what is the reason...what is your concern, JoAnn?

Councilmember Yukimura: Well the burden of proof is on the person who is proposing the change.

Council Chair Rapozo: No.

Councilmember Yukimura: I just wondered what was the rationale?

Council Chair Rapozo: Do you have a problem with the order?

Councilmember Yukimura: No, I am just thinking you are...

Council Chair Rapozo: If you do not have a problem with it, JoAnn, let us move on. I mean you are splitting hairs now.

Councilmember Yukimura: Well, I thought you were going to explain, to me the order is not housekeeping.

Council Chair Rapozo: Okay, so tell me what do you want changed, JoAnn?

Councilmember Yukimura: Well, are we going like that because...

Council Chair Rapozo: No, no, I am just curious that if there is a problem...

Councilmember Yukimura: I am just going to hear what your rationales are...

Council Chair Rapozo: That is what I am trying to do.

Councilmember Yukimura: Then I will come back afterwards to have discussion since you have said we are not going to have discussion right now.

Council Chair Rapozo: Okay, so the next...

Councilmember Yukimura: You are going through the explanations and then we will come back to have discussion?

Council Chair Rapozo: Correct.

Councilmember Yukimura: Okay.

Council Chair Rapozo: Rule No. 2, again housekeeping on (c) Committee, changing the physical majority to the affirmative vote of a majority, again, these are just housekeeping measures. Rule No. 3 again housekeeping, changing Departments to governmental agencies or departments. Rule No. 12 "To hold a Chair's meeting, as needed, with the Clerk or Council Services Staff," again, housekeeping. (b) and (c) are housekeeping.

Councilmember Yukimura: What page are you on now?

Councilmember Kualii: Seven (7).

Council Chair Rapozo: Yes, these are non-substantive. These are just changes that the Staff put in because as they cleaned up they looked at the entire Rules and decided to clean it up. We are still on Rule No. 3.

Councilmember Yukimura: Number 12 is not housekeeping, on page 7. I agree with it.

Council Chair Rapozo: Okay.

Councilmember Yukimura: But it is not housekeeping. And I will have an amendment.

Council Chair Rapozo: Okay.

Councilmember Yukimura: Okay, because right here it is saying that Councilmembers should be given written notice of date, time, and place of the meeting that the Chair will hold with Staff and I agree that is not necessary.

Council Chair Rapozo: And it is also I believe illegal by Sunshine Law.

Councilmember Yukimura: Yes.

Council Chair Rapozo: That is why – that is housekeeping. Page 9 Standing Committees, “There shall be seven (7) Standing Committees consisting of both five (5) voting members and two (2) ex-officio members, except for...” and this again is housekeeping because we changed the name of the Committee – the Committee of the Whole and the Budget & Finance Committee.

Councilmember Hooser: I have a question.

Council Chair Rapozo: Yes.

Councilmember Hooser: We are coming back for questions?

Council Chair Rapozo: Yes.

Councilmember Hooser: Okay.

Council Chair Rapozo: Page 10 Special Advisory Committees. “Special Advisory Committees may be created as needed by the Council,” and we removed Chair or Standing Committee Chair with the concurrence of the majority of the voting members of either the Council or Standing Committee. That was another housekeeping measure because Rule No. 4(b) requires all Sub-Committees, and Special Advisory Committees to be created by resolution at the full Council, so it is a conflicting rule. You cannot have a Committee create a Sub-Committee, it has to be done by resolution at the full Council. That is also housekeeping.

Councilmember Yukimura: Which one are you on?

Council Chair Rapozo: I am sorry?

Councilmember Kualii: Page 10.

Council Chair Rapozo: Page 10 on the bottom (d)(1) and (d)(2).

Councilmember Yukimura: Okay.

Council Chair Rapozo: And that is so that it stays in compliance with Rule No. 4(b). If you see 4(b) it talks about the formation of those Sub-Committees shall be by Resolution which means full Council and not Committees. Page 11 again housekeeping. If you look at (2) on the bottom changed substitute bill for an amended bill. That is what happens when you amend the rules so many times, you end up with all these little fragments of prior rules that...and I thank the Staff for going through this with a fine tooth comb. Page 12 Voting, Attendance, and Absence. This is (b), "Unless a member is," we took out absent from voting and replaced it with, "formally excused or recused from voting," "the member's silence shall be recorded as an affirmative vote for the motion." Each vote shall be recorded in the journal, we took out journal and put minutes which is what it should be. Again, (c), (d), (f), and (g) are all just housekeeping, clarifications. Rule No. 6(c) the sixth (6<sup>th</sup>) question to receive for the record is being removed and this is because...what has happened and what can happen is that you have a motion to approve on the floor and someone before that action on the main motion is taken, this rule allows for a motion to receive to basically kill it and that is being taken out. Again, that is a Staffs recommendation that we take action on the main motion or the amended motion before we allow a motion to receive. The following paragraph just removes that last sentence because it is tied in with the sixth (6<sup>th</sup>) motion. In Rule No. 6(d) "When any of said motions are decided in the negative, the same shall not be revived at the same meeting," that has not changed. What has changed is that if a motion to approve a matter fails in the Committee, that recommendation to the Council shall be to receive the matter. If a motion to receive fails in the Committee then that matter would remain in the Committee until it can get passed out. Again, that is just to bring more efficiency to the workings of the Council. Page 14 second paragraph, again, that is just housekeeping to make it clear that we added in deferral in addition to postpone. Item (f) "No member may speak longer than a total of five (5) minutes on the same agenda item. A member may not speak more than twice on the same question without leave of the Presiding Officer, subject to an appeal to the body. The member or members introducing the matter shall have a combined total of twenty (20) minutes to speak," again that is just tied right back to efficiency and to keeping the meetings at a reasonable time. I think it is important that any ruling of the Chair can be appealed by the members. I explained to the members when we had our Organizational Meeting that I do not take a point of order or a challenge of my ruling personally. If I am stepping outside my boundary or scope, I encourage the member to call the point of order or to challenge the ruling and to have the discussion. If members believe that the five (5) minutes is not enough and I call the time, they can challenge the ruling of the Chair. At the end of the day it is not my call, it is the body's call. (h) Call for the Question. "The object of the motion to call for the question is to cut off debate. It shall always be in order and shall require two-thirds (2/3) vote of the members present to carry it." Like if the meeting is going on and on and the majority or super-majority of the Council has had enough, they could actually call for the question and the Chair would have no...he would have to take the vote if the five (5) votes were present.

Point of Order – we had a lot of discussion on that. You raise your point, you state the rule, the Chair will rule. This is just – we changed question of order to point of order, again housekeeping, that has not changed. We removed Rule No. 9 which was petitions which has never been used for as long as any Staff member could remember. Rule No. 9(c) Placement on Agenda, this is the controversial hundred

twenty (120) day rule. I think we had enough discussion about that. The fact of the matter is that with this ruling here and again this was Mr. Furfaro's rule, and it was a compromise rule in my opinion and I think that to hold any Chair to a time period that he or she has to post an item on the agenda, I do not think that is correct. I think that the bills have to be vetted like I...going forward with the new Council is going to take some trust and there are some trust issues. I feel it – believe me. I feel it. But if a bill is legally sound, defensible, and regardless of what we said, believe me that I am one of the strongest critics of our County Attorney, or our former County Attorney, but if that is the only opinion we have then that is the only opinion that we have. This body has the opportunity, which I plan to use or at least propose, we can hire our own attorney, we do not have to go through the County Attorney's Office. We are allowed with five (5) votes, to hire an attorney to represent the Council, not the County, and if there is an issue by any Councilmember that has an issue with an opinion that came from the County Attorney and there is a desire to seek out outside Counsel from the Council not from the County, I would definitely support that. I think there are other avenues but to hold a Chair to a timeframe of putting something that may not be legal on the agenda, I do not think is proper.

The next, "Amendment of Bills and Resolutions." I do not know why this clause was never used and it is basically saying that after a bill or resolution is amended on a demand of at least four (4) members, any bill shall and it is basically saying that after a bill or resolution is amended on a demand of at least four (4) members any bill shall after amended be delayed for one (1) week before its final reading. Right now we utilize the deferral which is a two (2) week deferral if it is in a Council Meeting. If it is in a Committee Meeting and we pass a bill or amendment for a bill or resolution it automatically goes to the next Council Meeting which is one (1) week anyway. This is one of those clean up measures that I had asked the Staff to do.

"Full Readings Waived. Full oral readings of bills and resolutions are hereby waived," so that we do not have to read the full bill and that is again housekeeping. This was another big controversial, "Facebook issue," where Mel Rapozo is cutting off testimony because I am going to restrict or terminate the speakers right to the floor for intemperate or abusive behavior or language. That rule was always in the rules, it was just mis-housed in the public hearing section and not in public testimony section. The rules of testimony for the general public should apply to all testimony whether it is public hearings, Committee Meetings, or Council Meetings. It is not a new rule. I did not create this. Mr. Parx if you are watching, I did not create this rule and on top of that who in the world would endorse intemperate or abusive behavior or language. I mean I would expect the Chair of any Committee or Council to stop that dialogue, at least call a recess because there is no place on the County Council for that. That whole section, oral testimony was taken from the public hearing section and moved into Rule No. 11 which is again according to Mr. Parx the new article that Mel Rapozo created. We are trying to refine this and make it where the general public can understand it and I believe this does a great job with that. So these are not new rules, it is just moved from public hearing over to testimony.

Public Hearing. You heard some of the discussion earlier. I am sorry – Rule No. 12(b) again housekeeping. It is just clarifying who shall Chair the public hearing. Item (d) is an addition of Historic in front of County Building. Again all housekeeping. Conduct of Public Hearings, "Public hearings are held to receive testimony from the public and Councilmembers shall reserve their opinions, questions, and arguments for the appropriate Council or Committee meeting." The public hearing process is a dedicated time, it is 1:30 p.m. so the public can come down and be somewhat assured that they are going to have an opportunity to testify within a reasonable time. The

current rule, and this happens a lot, is a person comes up to testify and then the Councilmembers start asking questions. That three (3) minutes becomes six (6) minutes, becomes seven (7) minutes, becomes eight (8) minutes, and then there is a debate between the testifier and again we are trying to promote testimony, we are trying to promote the public to come and participate. I have constituents and maybe our constituents are not all the same, but I can tell you that I know people that will not come to testify at a public hearing or a Council Meeting for that matter because they do not want to be questioned and interrogated by Councilmembers. That is why the rule was in place and I want to restore that, where the public can come up and say what they want and go sit down and not be questioned. The Councilmembers have the opportunity to have the debate/discussion at the Committee Meeting or full Council Meeting but the public hearing is exactly what it is – public hearing. We want to encourage as many people to come and testify at public hearings with no fear of being interrogated by Councilmembers. So that is the purpose of that.

Page 19 was just the removal. This is where the old rules for testimony was. Obviously for housekeeping we had to take that out. Again, I just want to reiterate Honolulu City Council on any new item on the agenda, the public has three (3) minutes and that is it. On a returning item if a matter was deferred, referred, or whatever, if it is not the first time on the agenda, they get one (1) minute – that is it. Maui is three (3) minutes the first time, one (1) minute the second time, and the Big Island is just three (3) minutes. I think Kaua'i is generous and believe me that my intention is not to stop the testimony at three (3) minutes and not let them come back a second time, but this is what has occurred in the last term. The rule in the last term and that rule was violated all the time. Guys will come up and the Chair would occasionally say, "Today, we are going to two (2) minutes. Oh, we are going one (1) minute." The rule is there for a reason and it is order and decorum. If in fact we have a situation and I will use Bill No. 2491, where you have twenty-eight (28) to forty (40) people testifying, the Chair should have the prerogative to say, "Because of the number of speakers, we are going to only allow you to speak for three (3) minutes," because otherwise it is not practical to allow everybody to speak for six (6). Then when you start flexing that and say, "We are going to go four (4) or six (6)," no, this is real clear. Under normal circumstances you will have three (3) and three (3) but if a circumstance comes up like a major controversial bill, then the Chair should have the prerogative to say, "Because of the number of speakers today, we are going to allow you the first three (3) minutes," and that is what that says. The Chair needs to have that prerogative in events like that otherwise you are bound. The Chair does not have the authority to just change the rule as he sees fit, and he cannot do that. It was done but that is not what is going to happen. That is the reality of why the three (3) and three (3) was put in there. No one is going to be denied the opportunity to testify at a Council Meeting. That is just – that goes without saying. I do not think Kaua'i has ever been that way.

13(e) I think you heard my comments earlier, OIP has some concerns. OIP has some concerns not only about the limiting of speakers but that is one of the issues that we have to resolve. It is not fair because not everyone has that same opportunity to speak. That is common sense. You cannot create a rule that benefits a small group of people. That is just my...that is just the way it supposed to be. You also cannot allow the testimony before the meeting starts to go for some unreasonable amount of time. The Council agreed at the last meeting; the Rule Meeting, that we would have eighteen (18) minutes that we dedicated which was arbitrary. What happens if number seven (7) or number eight (8) decides to come in and speak and we say, "Sorry." If we have a situation where you have an issue that for some reason you have a ton of people that are here from off island or you have a bunch of Kaua'i

residents, and I am not talking about the Mickens, Taylors, and the Rosas that are there every week, I am talking about the people that come and no disrespect to them, but to the people that come the first time, second time, but they got to go to work. There is an opportunity in the Rules to suspend the rules and take public testimony up front if it is warrant and that is a possibility as well and that would be handled by a case by case basis. That would be under very, very unique circumstances. That is Rule 13(e) and I think we got to acknowledge the fact that there is an OIP concern. We cannot disregard that.

Rule 15 – I already went through that...yes, that is done. The hundred twenty (120) day rule, I think I talked about that. We already talked about that. Page 22 is housekeeping. Page 22 further on down, Restriction on Employment of Relatives, again, housekeeping. Rule No. 18, you know in the past all requests from the Councilmembers to the County Attorney would go through the Chair, and I am not a very big supporter of that. If it is an issue that the Councilmember is working on that is not on the agenda, that communication between the Attorney and Member is confidential and should not be flowed through the Chair. Again, once the matter is an agenda'd item then any County Attorney's opinion that is sought out by the Councilmember would be shared to all Members concurrently, because it now becomes the body's opinion. But if it is an individual Councilmember that is doing a project that has yet to hit the agenda and he has a legal question, and submits something in writing, that will be privileged information between the Councilmember and the County Attorney. And I think that just makes sense. So, that is what it is. These are the Rules in a nutshell. These are all the changes. Mr. Chock.

Councilmember Chock: Thank you.

Council Chair Rapozo: I am going to start at your end this time.

Councilmember Chock: Okay, thank you, I appreciate it. I am getting lost down here that is why...for the most part I agree with a lot of the changes that Council Chair Rapozo had suggested. The ones that stood out to me was the one about the hundred twenty (120) days, that is to me...

Council Chair Rapozo: I am sorry – the what?

Councilmember Chock: The hundred twenty (120) days.

Council Chair Rapozo: The hundred twenty (120) days.

Councilmember Chock: I am actually in agreement we should be getting a legal opinion before we make the decision, however, we eliminated the whole thing and I still feel like Councilmembers should have an avenue to get to put things on the agenda, if necessary. Again, most of the things that were proposed, I think, are good. I actually appreciate the Chair's intention of trying to get more consistency and more efficiency in our process, but this is a process that we make every single thing happen by...and that is why I voted for us to go back to where we were for this discussion that we are having now. I think this discussion is well worth us having the community involved in it, looking at every aspect of it, and contributing. That is why I was hoping that we might get to a place where we might look at a Rules Committee, if necessary. I think that in the past what I have seen is not so much that there is an issues with the rules as much as there is an issue with enforcement or consistency and how it is being utilized. I am not sure if it is the body's interest to go through this

ad seriatim but again, the majority of the changes I am supportive of, and I think there could be a little more work on the hundred twenty (120) exclusion. Thank you.

Council Chair Rapozo: Thank you. Mr. Hooser.

Councilmember Hooser: Thank you, Chair. I agree, I see that a lot of them are housekeeping and I applaud the Staff for taking this opportunity to do the housekeeping. I do have some specific questions but it is not a whole lot, if I could run through them? In addition to the hundred twenty (120) day which Councilmember Chock is concerned about, I am very concerned about the workshops. I understand the expense but I am wondering if there is some way that we can...like travel and everything else, we can limit Councilmembers to one (1) workshop per whatever. I believe in these past two (2) years there has only been three (3) workshops; two (2) on Water and one (1) on Finance. Those are the only three (3) I can remember. Four (4)? Okay, four (4) over two (2) years. To me that does not sound excessive. The ones that I have been involved with, especially dealing with water, which is an issue that we are not really sure we need to learn about, before we put it on the agenda, before we introduce a resolution or ordinance...I would encourage the Chair and the Members to look at if there is some way to modify that rather than just to ban workshops – some kind of one to two (1 – 2) per year per Chair. Just a reminder that in two (2) years there has only been four (4) and there could even be some budget allocation to make sure the cost does not get excessive. I think that is an important voice for Councilmembers and important outlook for the community to explore some of these issues and the “water” issue is certainly a great example of that.

If you go to page 9, the original rules – the rules that we have been operating under leave in language saying subject matter budget items will be considered by the Committee. So, if there is a budget item that comes up in Public Safety, for example, and it is outside the budget but it is a budget item that comes up later that under the prior rules those items will go before the Committee. I see that relatively minor but at the same time it is a substantive change I would say from the existing rules to the proposed new Rules.

Council Chair Rapozo: And just so that you understand the idea behind that was because the Budget & Finance Committee includes all Members of the Council – all seven (7) Members versus a Committee of five (5). It was just my belief that if we are dealing with any kind of budgetary matters, that all seven (7) Members should have a vote in the Committee before it gets moved on to the Council. To be more inclusive as far as the debate and discussion on budgetary matters, that is all it was.

Councilmember Hooser: Thank you for the explanation. On page 13, just to qualify, “No member may speak longer than a total of five (5) minutes on the same agenda item,” is that summary remarks or a net total of when I ask a question and then I ask another question...

Council Chair Rapozo: I will be keeping track, Gary, every time you say something I am just going to be keeping track.

Councilmember Hooser: Is that summary remarks?

Council Chair Rapozo: In your closing discussion.



Councilmember Hooser: So that would be...I mean it is a small item but it might be important to include that language in there, "summary discussion." Thank you.

Council Chair Rapozo: Yes but the one thing though, and I think we had a little discussion at our Organizational Meeting. You know some members utilize, the question and answer portion of the agenda item for discussion.

Councilmember Hooser: Yes.

Council Chair Rapozo: I will limit that. I am not trying to be the bad guy but when Councilmembers take that opportunity for question and answer and Felicia is up there testifying and I just go off for six (6), seven (7) minutes, and then say, "Is that correct?" That is technically a question, but that is not what that...it is a question to have a dialogue with the testifier, a real question, not for me to try to convince you...no, that is not what that is for. The question and answer is for the Councilmember to ask the question and you provide the answer, the five (5) minute Rule kicks in when we call the meeting back to order and we have our discussion.

Councilmember Hooser: Thank you.

Council Chair Rapozo: Thank you.

Councilmember Hooser: The hundred twenty (120) day Rule, clearly that is one of the largest sticking points I believe for some of us here. I want to say also that I have great respect for the County Attorney's Office and I think we should have a rule which we have been following, I believe, that the County Attorney reviews proposed bills before they go on the agenda, I agree with that. I do not agree that it is the County Attorney's decision whether or not it should go on the agenda. I think that is the Councilmembers' decision because we are the ones that were elected. I understand the fear, if you would, that there might be some frivolous or otherwise inappropriate items placed on the agenda. I have not really seen that happen. The items that were there, the highly contested ones have five (5) votes at the end of the day. I really feel that this particular item disempowers Councilmembers and their constituents. I really do. I think it was a step forward when the hundred twenty (120) day Rule was put in and I hate to see a step backward. There might be some other options if there is a concern about a rouge Councilmember doing something to make everyone look bad or going to be frivolous or otherwise bad. Perhaps it could be two (2) Councilmembers could co-sponsor something and put it on the agenda but I just have a really difficult time with the hundred twenty (120) day rule and the workshop, in particular, those two (2).

Briefly moving on, the item on page 17, the Oral Testimony. It is debatable to some whether or not that is a good Rule or not. I do not question the Chair's abuse of that second three (3) minutes. I believe that in general the Chair will accommodate speakers, but the point I would like to make is that in characterizing this Rule, I was accurate in my characterization and I was questioned by Members of this Council in public. I want the record to reflect clearly when minutes are transcribed and taken that my characterization of the Rule was an accurate one. It does cut the number of minutes provided by the public in half that they are guarantee, that is the truth. It goes from six (6) minutes to three (3) minutes. Even though there is a discretionary three (3) minutes and I do not want to keep hammering on this, but I take offense when my remarks are mischaracterized. Moving down the page, I am almost done. I want to thank you for the County Attorney provision. When we were briefed before,

you mentioned that provision and I thank you for that too, for allowing us to communicate directly with the County Attorney.

In summary, if we could deal with the hundred twenty (120) day rule and the workshop rule and perhaps some other smaller changes, I think that would add greatly to the success and the positive nature of the Rules. I would hope that the Chair would entertain those amendments either today, hopefully today, we just settle it, or on the 17<sup>th</sup>. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Mr. Kagawa. Oh, just real quick, Staff just handed me a note, we need to do a tape change at 5:00 p.m. Do we have caption today too? Okay. So, we have to do a tape change at 5:00 p.m.

Councilmember Kagawa: I guess my first question would be in what year or when did the change come, and this may be for you or Staff, to allow bills on the agenda that had not passed a thorough Attorney review. I bring that up specifically on Bill No. 2491. That is the first thing I asked, "Was the bill reviewed by the County Attorney's Office prior to putting it on the agenda? The response that I got from them just to clarify, was that they took basically a quick look at it and because it was such a brand new area that we were going into at that particular time, they did not find anything that prevented us from having it on the agenda. It turned out that we needed a sixty-six (66) page opinion to give us more clarity. When I asked to have the bill repealed, it goes through a full thorough review that takes three (3) months. It seems like it was at the discretion of Chair Furfaro when a bill needed a thorough review or when it needed a quick review. To me, it is basically...it is more frustrating for me under Chair Furfaro's leadership then something clear like this, but I really welcome, I think Councilmember Hooser's and Chock's approach that perhaps there is an amendment that could satisfy whereas you may not have the County Attorney opinion on the green light but maybe we can have a process to work on the bill in Executive Session or a Committee where the bill passes the review and then say, "Okay, it is at a stage where it is okay." I appreciate their willingness to work on that, but for that kind of amendment, I would say that we need more time. I guess Council Chair Rapozo, when did the rule change? When I was working back for the Council Staff from 1991 – 1997 we required a bill to have the County Attorney okay it before it went on the agenda. I am wondering in what year or under whose leadership did it change?

Council Chair Rapozo: I cannot tell you. I know that only prior to Chair Furfaro's hundred twenty (120) rule, every bill, anything, had to get approved from the Chair, regardless of what the item was. That was just something that was the Chair's job. That is how it is in Congress, State House, Senate...

Councilmember Kagawa: Is your response that the Chair is the one that determined whether a County Attorney review was needed?

Council Chair Rapozo: No, no. As far as I know every bill that we ever submitted as far as I have been on the Council would be processed for legal review.

Councilmember Kagawa: Okay.

Council Chair Rapozo: But it would be the decision of the Council or the Chair and this is how I would envision it working if...let us say Councilmember Hooser is introducing a bill and it goes through the legal review and it comes back

from the County Attorney saying, "We got some legal issues and we got to be careful in certain areas," then myself and Councilmember Hooser would sit down and go over the bill and figure out where we go from there. Do we work on the legal issues? Do we want to get a second opinion? At that point we determine what is going to happen. If in fact a second opinion would be the same as the County Attorney's opinion then it would not make it to the agenda. If we had a second opinion or Councilmember Hooser and I decided that we wanted to forego the Attorney's opinion and get it on the agenda, we could do it that way as well. It just takes away the requirement for the Chair which I totally disagree with. I do not think you can mandate anybody to put a bill on the agenda.

Councilmember Kagawa: The only problem is not only if it passes and it goes to a lawsuit, but my problem with putting bills that perhaps are not vetted correctly by the County Attorney is that what you do is create in the community, you create divisiveness for no reason. That is why I say let us have some kind of stipulation whereas it is not automatic. When a Councilmember wants a bill on the agenda, that it goes on. That is where I am coming from. Not only the legal issues. Thank you, Chair.

Council Chair Rapozo: Thank you. Councilmember Kaneshiro?  
Councilmember Kualii'i?

Councilmember Kualii'i: I have been through these Rules and I do not have a problem with it. I appreciate the way you have explained it and as other Councilmembers have said, even some of the things that they might have thought they were opposed to when they heard it, most of it is probably okay. Process wise as we go forward I hope that we do not have to hash every item out that we think we agree on and that maybe Councilmembers can just make proposals on the things that they want to amend and do not agree on, or would like to see changed. I just want to make clear that when I was speaking earlier, I was talking about the public and I was not talking about Councilmember Hooser. I then tried to answer his question about the three (3) minutes so do not put the two (2) together. I was not saying Councilmember Hooser was spreading misinformation to the public, I was just saying that there was misinformation in the public with regards to the different rules. And then I talked about the three (3) minutes because Councilmember Hooser asked if somebody would say what the three (3) minutes was about and so I did explain how I understood it that the public would still have their three (3) minutes or six (6) minutes total. We did come to and I agreed and said, "Yes, okay, you are right," shall versus may – we are at a shall versus may kind of place again. But again when Council Chair Rapozo explained that the idea of people taking their first three (3) minutes and then coming back for another three (3) minutes would be honored. Only rarely in those instances where we might have five (5) hours worth of testimony to 2:00 a.m., and that he would have...the way the Rule is written, he would have that prerogative. I do apologize to Councilmember Hooser for giving him bad information, I guess, about the three (3) minutes plus the three (3) minutes, but I was never saying anything about him spreading misinformation to the public. I think that is what he is offended about, but that is not what I said. I just want to clarify that. Thank you.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: Regarding the hundred twenty (120) days on page 15 and again on page 20, actually, I am looking at my amendments. I believe that if there is a legal problem with the bill that can be solved by an amendment that I would like to propose, so that a resolution shall be placed on the agenda within one

hundred twenty (120) days of the date of written request unless the County Attorney has opined in writing that the bill is legally insufficient. I think that would address that issue. Regarding testimony at the beginning of a Council Meeting, I was Chair of the Rules Committee that proposed this rule because there really are people that cannot wait the whole day and we have Council Meetings as you all know that go sometimes into the night. This was meant and it says "on a first come first serve basis." I do not believe that we are causing any legal problems if they cannot testify under this rule because they still can testify later on in the meeting. It is true they might be able to make it, but I do not believe the law requires that we allow them convenience and give convenience to everyone. I do not believe the law requires that. I know that the law says if they are still in the meeting at the end of the meeting and they have not testified, we have to allow them to testify, but they still have that prerogative. My suggestion is that we put back this rule and allow a total of thirty (30) minutes which will give more time for more people and people know that if they want to get on the list first, they have to come early. After thirty (30) minutes if it is full then they have missed that opportunity and they have to stay for the regular meeting and for the item to come up. I do not believe there is any legal problem with that. I have real problems with the Rule that does not allow a Council to question people at public hearings because often times these...if the questions are properly posed, they actually help us better understand what people are trying to tell us and they can clarify. I think it is crucial that if we want to hear from the public, we be able to ask them questions that will give us better understanding of what they are trying to say. I agree that we should not use it as an opportunity for our personal soapbox or to argue with someone who is speaking, but sometimes a clarifying question can just take less than a minute, "Oh, what did you mean by this, when you said this?" It gives us valuable information to understand what they are saying so I would like to propose, "except that Councilmembers may ask clarifying questions that enable the Council to better understand the point or positions of the speaker." I have great faith that Council Chair Rapozo will be able to distinguish between pontificating and clarifying questions and that this is a very important part of the public testimony process.

Regarding workshops, to limit the subject of workshops to a pending bill or resolution really lessens the value of workshops because workshops might help us craft a bill or a resolution by helping us understand more what the subject matter is before we try to put it into a bill. I recall Councilmember Nakamura's request for a very fascinating and important workshop on Conservation issues for the County which was not necessarily under our jurisdiction but did actually inform our decision making. I want to bring to mind the very critical and pivotal coqui frog funding that the Council gave which is not our core function, but we recognized that without sufficient moneys to nip that problem in the bud, we would be dealing with what Big Island is dealing with. It affected tourism and a lot of things for our County. I think the Council needs to have the ability to have workshops that inform our process and I have an amendment that says, "May schedule workshops regarding a subject under the jurisdiction of the County or of great concern to the County." As Councilmember Hooser pointed out, I do not believe that the rule has been abused in any way. I think it is important to allow that rule to be in workable format. I also object to limiting a member from speaking longer than a total of five (5) minutes. When we are talking about a really critical subject, we need to give free reign to discussion. I agree with the idea of efficiency which is why I am not opposing the three (3) minute rule that is proposed here. I believe the discretion is appropriate but to limit debate on a subject and basically say that you can only speak twice and you can speak two and a half (2.5) minutes each on complex subjects, does not make sense to me. We have another goal besides efficiency and that is what we have to balance. We have to balance robust

dialogue and debate which is one (1) of the most important principles of our democracy that we have this market place of ideas and speaking so that we can make the best decision. I think this is unduly restrictive and then to have our Staff have to track how much time Councilmembers speak and add, to me is not necessary if we can just say, and I have an amendment, "a member may speak no longer than a total of five (5) minutes each time a member speaks, the member may not speak more than twice." That is a total of ten (10) minutes and I do not think most of the times we will take that but to limit what might be very relevant and critical discussion does not make sense to me at all. I believe those are my main considerations.

Council Chair Rapozo: Okay, thank you.

Councilmember Yukimura: And I would like to move to amend...

Council Chair Rapozo: Hang on, JoAnn. Councilmember Kaneshiro.

Councilmember Kaneshiro: I just want to make a quick comment because I know that the tape is going to run out. I reviewed all of the changes and what it comes down to is efficiency and leadership. What Mel has proposed is to increase the efficiency of how the meetings are going to run and also what the Staff proposed as far as housekeeping items. I am comfortable with it and put my trust in the leadership of the Chair. If he does not lead well, he is going to get criticized. I have all the trust in him as far as being able to lead well, lead the meeting efficiently, and hopefully these Rules help him.

Council Chair Rapozo: Thank you, let us take a five (5) minute? Thirty (30) second recess for tape change.

There being no objections, the meeting recessed at 5:00 p.m.

The meeting was called back to order at 5:03 p.m., and proceeded as follows:

Council Chair Rapozo: This is where we are at – we have on the floor the motion to approve the original Resolution that I proposed regarding the Rule changes. I think we have heard the discussion and I think we have heard the feelings of everybody here. The question is do we want to move on this Resolution now and get that out of the way, take the vote on the Resolution, if the vote on the Resolution fails, then we can move to amendments from Councilmember Yukimura? Or we can move to Councilmember Yukimura's nine (9) amendments and go through nine (9) amendments that is not successful, potentially, to get to the same result? My suggestion is that we take the vote on the Resolution, if it fails then we will start entertaining the amendments from Councilmembers.

Councilmember Yukimura: Mr. Chair?

Council Chair Rapozo: Yes.

Councilmember Yukimura: Point of order because you cannot kill a Resolution and then try to amend it.

Council Chair Rapozo: I am sorry?

Councilmember Yukimura: You cannot kill a Resolution and then try to amend it.

Council Chair Rapozo: If the motion to approve fails, right, is that what you are saying?

Councilmember Yukimura: You cannot amend something if it dies, so you would be saying you will not entertain amendments...

Council Chair Rapozo: It is not going to die, the motion to approve if it fails, it does not kill the Resolution.

Councilmember Yukimura: But if it passes, you would not be able to consider amendments.

Councilmember Chock: That is what he said.

Council Chair Rapozo: Right, and that is what I am saying...are we going to...if the Resolution passes then it is done.

Councilmember Yukimura: Well then I move to amend.

Councilmember Yukimura moved to amend Resolution No. 2015-02 as circulated, as shown in the Floor Amendment which is attached hereto as Attachment 2, seconded by Councilmember Hooser.

Council Chair Rapozo: Okay, which amendment do you have?

Councilmember Yukimura: It is being passed out now.

Council Chair Rapozo: Go ahead, Councilmember Yukimura.

Councilmember Yukimura: May we take it ad seriatim and vote on each one?

Council Chair Rapozo: These are your nine (9) amendments in this one (1) package?

Councilmember Yukimura: Yes.

Council Chair Rapozo: Okay. Just make a motion to take it ad seriatim.

Councilmember Yukimura moved that the amendments be taken ad seriatim, seconded by Councilmember Hooser.

Council Chair Rapozo: Any discussion?

The motion to take the amendments ad seriatim as shown in Attachment 2 was then put, and carried by a vote of 5:2 (*Councilmembers Kagawa and Kaneshiro voting no*).

Councilmember Yukimura: The first amendment would allow the Council Chair or Committee Chair to schedule workshops regarding, "subject under the jurisdiction of the county or of great concern to the county," or of great concern to the County. I have given my reasons for the need for doing this and for expanding the

present proposed scope which only for a bill or resolution that is pending on the Council or Committee's agenda because as I said we may not be ready to do a bill but we may want to learn about and be informed about certain subjects.

Council Chair Rapozo: Are you done, Councilmember Yukimura?

Councilmember Yukimura: Yes.

Council Chair Rapozo: I would just let everyone know that the special... let me find the section here...the Special Advisory Committees could serve the same purpose and the Special Advisory Committees would not be a decision of the Chair, but would be created as needed by the Council. If you are concerned about the Chair not allowing a workshop for whatever reason, there is an opportunity for the Special Advisory Committees to form. It is for the specific purpose in engaging in fact finding and evaluation of issues and shall make recommendations with regard to these issues. That is in the Rules. That is not something new. We do not take advantage of that. Under the Special Advisory Committee it does not specify that you need to have an item on the agenda, it just needs to be created by the Council which is where I believe the power should be – at the full Council and not at the Committee level or at the Chair's discretion. It is at the full Council. I understand what you are trying to do, I am saying that we have the tools in place currently to get it done in the Special Advisory Committees. Did you want to make a motion to approve?

Councilmember Yukimura: Well, first I just wanted to say that the Advisory Committee has a very different function and it takes a lot more work than a workshop. I am overseeing a Housing Advisory Committee and it is about a series of meetings and findings and it does not involved the whole Council which is where you want the information to go to. They have a very different function. A workshop is a one (1) shot / one (1) day thing. An Advisory Committee has a lot of meetings and work, so it is very different.

Council Chair Rapozo: It does not specify the dates and how long the Special Advisory Committee – that could be a day. Special Advisory Committee could meet for a day and submit their recommendations to the Council.

Councilmember Yukimura: That would be my opinion – a waste of time.

Council Chair Rapozo: That is kind of how I feel about a workshop. Anyway, we are not going to agree, JoAnn, and you know sometimes different opinions are good for this body.

Councilmember Yukimura: Alright.

Council Chair Rapozo: I need you to make a motion to approve your amendment.

Councilmember Yukimura: I think there is a question.

Councilmember Hooser: Are we...

Council Chair Rapozo: Can you make a motion to get the thing on the floor – the workshop.

Councilmember Yukimura moved to amend Rule No. 1(g) named Workshops as shown in Attachment 2, seconded by Councilmember Hooser.

Council Chair Rapozo: Discussion?

Councilmember Hooser: There has been a lot of discussion during the course of the day about the majority and that the majority decides when they want to do something, they can override the Chair – four (4) votes or five (5) votes. I just wanted to point out that the core resolution on the very first page, Section 2 says the intent of the Council is to carry out the majority view yet provide the minority with a fair opportunity to express its view. Relying on the majority to make all the decisions does not carry out providing the minority a fair opportunity to express its view. The rules before allowed the Committee Chairs that discretion. That is all. Thank you.

Council Chair Rapozo: Thank you. Any further discussion on Councilmember Yukimura's amendment regarding page 5, workshops? Let us do a roll call on these.

The motion to amend Rule No. 1(g) named Workshops as shown in Attachment 2 was then put, and failed by the following vote:

FOR AMENDMENT:	Chock, Hooser, Yukimura	TOTAL – 3,
AGAINST AMENDMENT:	Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 4,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Four (4) nos.

Council Chair Rapozo: Next.

Councilmember Yukimura: May I proceed?

Council Chair Rapozo: Sure.

Councilmember Yukimura: The next one is on page 7, which is about the Chair's meeting. I do not disagree with the deletion that was made but I am adding a clarification that any Councilmember may attend the meeting that Chair has with the Staff.

Council Chair Rapozo: Is that a motion?

Councilmember Yukimura moved to amend Rule No. 3(a)(12), seconded by Councilmember Hooser.

Council Chair Rapozo: And the purpose of your amendment?

Councilmember Yukimura: There have been times where a Councilmember has been interested in particular mechanics that was going to be discussed or a procedural, issue that is an internal discussion and I believe that the proposal...the wording that was eliminated which said that with every meeting there would be notice to all Councilmembers of the date, time, and place – I do not believe that is necessary but I just wanted to make...I mean that was there so that Councilmembers could attend if they wanted to. All we are doing is saying that Councilmembers are welcome and I am assuming with your open leadership that



should not be a problem. Oh, there is a Sunshine Law if more than...but the issues that are being discussed are not Sunshine matters, or they might be sometimes? Okay.

Council Chair Rapozo: Are you going to withdraw your motion, Councilmember?

Councilmember Yukimura: I will propose another amendment.

Council Chair Rapozo: Okay, so are you withdrawing that motion?

Councilmember Yukimura: No. I would like it to just be deferred or moved to the end.

Council Chair Rapozo: Okay, next.

Councilmember Yukimura: That would be on page 13. Okay, so I have been advised by Staff that procedurally I should withdraw my motion and make it later.

Councilmember Yukimura withdrew the motion to amend Rule No. 3(a)(12). Councilmember Hooser withdrew the second.

Councilmember Yukimura: On page 13 paragraph (d), I guess first a clarification I think Chair you had said that you wanted, if anything you wanted a recommendation to hold something in Committee or...I guess...let us see...that if there was something to kill it in Committee, you wanted it to die in Committee? Is that correct? I am wondering if that is what you are doing.

Council Chair Rapozo: No.

Councilmember Yukimura: Okay, good. Then I think...

Council Chair Rapozo: That was one of the...I had originally thought about doing that but after our meeting and hearing your concerns, I chose not to put that in.

Councilmember Yukimura: Okay. Regarding if a motion to receive fails in Committee, the matter remains in Committee, and I put, "shall be placed on the agenda for the next Committee Meeting," because I was not sure when or how it would then come up again. The second amendment, "an affirmative vote to recommend either receipt or approval of the matter must be achieved before the recommendation of the Committee moves to the Council." I hope that is just a good clarification of what that line was trying to say. I guess I need a note from Staff if it is not. Or maybe you can tell us, Chair, in terms of shall be placed on the agenda for the next Committee Meeting, what that means?

Council Chair Rapozo: And shall be placed on...

Councilmember Yukimura: I mean...

Council Chair Rapozo: You are the one...

Councilmember Yukimura: ...what would happen if it the matter remains in Committee.

Council Chair Rapozo: It sits in the Committee in the deferred folder.

Councilmember Yukimura: It is like it is postponed indefinitely?

Council Chair Rapozo: It sits there until it gets reactivated by the Committee.

Councilmember Yukimura: Okay,

Council Chair Rapozo: But I do not think we should put it back on the agenda or we would have a thirty (30) page agenda in six (6) months.

Councilmember Yukimura: Right. So, I think I would just withdraw my motion.

Councilmember Yukimura withdrew the motion to amend Rule No. 6(d).  
Councilmember Hooser withdrew the second. (*Note: There was no initial motion made*)

Councilmember Yukimura: So then on (f) this is a clarification that there will be at least five (5) minutes and that is a maximum, it is like an up to five (5) minutes "each time a member speaks," but the member is limited to two (2) times on the same question. There is a limitation of up to ten (10) minutes total, in discussing an item. I believe that is a very small amount of time for discussion especially on complex issues.

Councilmember Yukimura moved to amend Rule No. 6 (f), as shown in Attachment 2, seconded by Councilmember Hooser.

Council Chair Rapozo: Discussion? Councilmember Kagawa.

Councilmember Kagawa: Thank you. For me, I believe five (5) minutes is a lot of time. I believe you can state your arguments. We as Councilmembers need to realize that the public and not only the public that attends the Meetings, but the public that watches Hoike...It is very difficult when an issue that they are waiting for is perhaps in the middle of the agenda or at the end of the agenda and to find out what happened they have to...if they do not have a computer to go to it and sometimes the computer does not work that well to fast forward, but they have to watch on the television eight to ten (8 – 10) testimonies and we are trying the mode of efficiency to get our public a better opportunity to see what they are interested in to try and shorten the meeting perhaps...it is a give and take. Perhaps on our end, we need to try harder to organize our thoughts and make that five (5) minutes. Five (5) minutes is a lot of time to state your position and to state why you believe other members should be changing their mind or should be thinking about changing their mind. For me, I feel five (5) minutes is a lot of time for discussion and I will not be supporting this amendment.

Council Chair Rapozo: Thank you. Any other comments? I would say that when we did have our Organizational Meeting discussion, I did bring this up and it was...I thought anyway that everyone had agreed except for Councilmember

Yukimura, that the five (5) minutes were enough. I would agree that five (5) minutes is enough time to wrap up your point. Any further discussion? If not...go ahead.

Councilmember Kualii: I would just add too even from when I was on the Council before, when I read this language, "No member may speak longer than a total of five (5) minutes on the same agenda item," and a member may not speak more than twice on the same question. To me it was clear that you had a total of five (5) minutes and you could use that five (5) minutes however you wanted to. So, if you wanted to speak for three (3) minutes, stop, and then come back and speak again for two (2) more minutes, and I believe I can make my point fairly well even when I have done testimony in three (3) minutes. There are seven (7) of us so if on every agenda item each of us took our full ten (10) minutes, that would be seventy (70) minutes minimum just of us talking and there are things that happen in between such as tape changes, whatever. The amount of business we could do, just number wise, would be limited. I see this as a fair rule and I think we can work on being more concise and make our points clearly and concisely. Thank you. I support the original Rule and would not support the amendment.

Council Chair Rapozo: Thank you, any other discussion?

Councilmember Yukimura: Yes.

Council Chair Rapozo: Councilmember Yukimura:

Councilmember Yukimura: We are not talking about five (5) minutes on a point. We are talking about five (5) minutes on an agenda item. It is "up to" so it does not mean you have to take the five (5) minutes but there is a lot of give and take on several points or there may be misunderstandings and clarifications that have to be made. I think it is really unduly restrictive and there is not a premium here being put on having a really robust discussion which is necessary. We have said at campaign forums two (2) minutes is too short to talk about a complex issue and you are limiting people to five (5) minutes on a major issue that you are making a decision on. You are not just campaigning about it. You are making a decision that is going to affect a lot of people. To limit debate like that is, I think has our priorities in the wrong place.

Council Chair Rapozo: Thank you. Any other discussion? And we are not limiting debate, the debate is not counted as your five (5) minutes. The five (5) minutes is for your closing comments. The debate part and questions is not counting against your time.

Councilmember Yukimura: Mr. Chair, if that is so, that is not clear here.

Council Chair Rapozo: It is clear to us. Anyway, any more discussion? Roll call, please.

The motion to amend Rule No. 6 (f), as shown in Attachment 2 was then put, and failed by the following vote:

FOR AMENDMENT:	Hooser, Yukimura	TOTAL – 2,
AGAINST AMENDMENT:	Chock, Kagawa, Kaneshiro, Kualii,	
	Rapozo	TOTAL – 5,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) nos.

Council Chair Rapozo: Next one, Councilmember Yukimura.

Councilmember Yukimura: Page 15, Placement on the Agenda. This is my proposal that there be a limitation that the Chair must put a measure on the agenda within a hundred twenty (120) days of the date of the request unless the County Attorney has opined that the bill is legally insufficient.

Councilmember Yukimura moved to amend Rule No. 9 (c), as shown in Attachment 2, seconded by Councilmember Chock.

Council Chair Furfaro: Discussion? Yes.

Councilmember Kagawa: I really have no problems with this amendment; however, I do not think it is necessary to be written into the Rules. I believe that if a bill is legally sufficient, I trust you as Chair, will put it on the agenda. I do not think we need to put language specifically in here. I trust you as Chair on this one. We have discussed that as long as bills are sufficient as determined by the County Attorney or if they see no reason it should not go on the agenda, sometimes they have some problem but they feel like it is okay, it is not tested that it does go on the agenda. Again, I do not think that we need this specific language. I trust you as Chair, Mel, knowing you that you will put it on the agenda if it meets the legal sufficiency.

Council Chair Rapozo: Any other discussion? Mr. Hooser.

Councilmember Hooser: I am not going to be supporting this. Again, I value the County Attorney's opinion but the County Attorney is there to give us legal advice and not political, strategical advice. County Attorney opinions are opinions. Very rarely is the County Attorney absolutely clear that it is legal or illegal. The County Attorney will state arguments for and arguments against and then say, "Well, maybe could be this or could be that." I do not like the hundred twenty (120) day – the removal of that rule at all but I do not think it has improved by transferring that power from the Chair to the County Attorney.

Council Chair Rapozo: Thank you. Any further discussion?

Councilmember Yukimura: Yes. I just wanted to clarify that legally insufficient does not mean that the bill could be not be challenged...or let us see...or that the bill could be challenged. It is kind of the bare minimum as I understand it and to me that would be the only reason why a Chair should be allowed to stop something from coming on to the agenda. I know it has been said that at the State and Federal levels they allow Chairs to hold things, but one of the things that has made this County Council so democratic is that we have not had those rules that give extraordinary power to Chair's whether Committee Chairs or Council Chairs and that it is always at some point allowed to come to the County Council body for decision making. I believe this is an important rule to have but it is not, just to clarify, it does not mean that the County Attorney just because there might be some legal challenges to deem it and stop it from coming on the Council.

Council Chair Rapozo: Thank you. Any other discussion?

Councilmember Kualii: I am not sure but I think if we look back at the Rules for the Councils, the last twenty (20) years, two (2) years at a time that it is not extraordinary to allow the Chair to have the power to approve the agenda. That is probably not the case with many local governing bodies. I do not see it as giving away an extraordinary power and I think that this item was sort of a "Chair Furfaro" addition in response to a couple of Councilmembers pleads. Instead of making the rule, he could have put the item on the agenda. Yes, I do not support this amendment.

Council Chair Rapozo: Any other discussion? Hearing none, roll call.

The motion to amend Rule No. 9 (c), as shown in Attachment 2 was then put, and failed by the following vote:

FOR AMENDMENT:	Chock, Yukimura	TOTAL – 2,
AGAINST AMENDMENT:	Hooser, Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 5,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) nos.

Council Chair Rapozo: Next.

Councilmember Yukimura: On page 17. This is the three (3) minute rule that allows people to speak at the beginning of the Council Meetings. I have kept it pretty much the same except that I expanded the potential time from eighteen (18) minutes to thirty (30) minutes. Theoretically, from six (6) speakers to ten (10) speakers. And I clarified that they can speak on any and all items.

Council Chair Rapozo: Is that a motion?

Councilmember Yukimura moved to amend Rule No. 11(d), as shown in Attachment 2, seconded by Councilmember Hooser.

Council Chair Rapozo: Discussion?

Councilmember Yukimura: Yes, as I said this is a very critical rule for people who want to participate. They cannot sit around all day waiting for the item to come up on the agenda and so it is an enabling, it is a pro-public way to encourage people to come and testify. I feel like it is very important.

Councilmember Hooser: I agree. I think it is very important. I think we should not diminish the public's participation. I think a lot of people would participate or do participate and would more if they had some certainty as to when they can testify rather than show up at 8:00 a.m. or 9:00 a.m. and have to wait until God knows when before their item comes up on the agenda. I have seen this rule in play and I have seen it used to the benefit of many citizens. I think by extending the time, it does no harm, and just serves the public better.

Councilmember Kagawa: Again, going back to 1991 – 1997 working as a Staff for the Council, I did not see problems with people being frustrated with not having the time. I think the Council Meetings were much shorter and efficient. Councilmembers would notice people in the community who would say, "I cannot stay pass 10:00 a.m.," and what Council Chair Kouchi at the time would do was encourage

Committee Chair's as well to move up certain items to accommodate. I think it is not to accommodate the same person though. It is for those people who come on rare occasion that really have an interest in an item but have an appointment and it is up to the Councilmembers to notice that and to notice that hey, this person does not come often and perhaps we should move that item up, take that item first, and then go back to the schedule of the agenda. That is how we handled it for six and a half (6.5) years when I was there. We had a relatively smooth Council in dealing with the public on that measure – so we are not reinventing the wheel. We are going back to how it used to be without the problems of having these issues with OIP. Thank you, Chair.

Councilmember Kualii: I just think that it is a little bit arbitrary to now say thirty (30) minutes is now limited to ten (10) people for three (3) minutes. Why not an hour, and twenty (20) people for three (3) minutes, and if you go long enough that could be half of our day for Council Meetings where people are no longer testifying on each item as they come up but all in the frontend. That could be really convenient. I have testified and as a citizen that would be really convenient. If I am not able to be there in person to testify, I can always submit in writing and it is so easy to submit by E-mail as well. I think for those issues that are super important, I would rearrange my schedule so that I could be there and sometimes when it is a really important matter. We have seen people sit in the Chamber all day because it mattered.

Council Chair Rapozo:

Anyone else?

Councilmember Yukimura: I want to say that most of the time we do not make the eighteen (18) minutes even, so I think thirty (30) minutes is...and that is why I chose thirty (30) minutes, it is almost double. I think that is going to be enough. Again, it facilitates people speaking and participating in a democracy. Whenever possible, we should do that.

Councilmember Kualii: If we guarantee it, we have to provide it and we do not know what is coming forward. Maybe in the past most of the time it was not required, but it could be in the future.

Council Chair Rapozo: I am not sure if everyone heard what I said earlier, OIP had two (2) concerns, number one (1) was limiting the number of speakers, so we took it from six (6) and we took it to ten (10) – we are limiting the number of speakers. The second concern was limiting their ability to come back and testify after they spoke on that matter during that period and not allowing them to come back at a later period. These are two (2) concerns from OIP and yet we continue to do that. I am not going to support it and the other thing...I am kind of confused... I am trying to be fair and consistent. I heard Councilmember Yukimura speak a little while ago at public hearings that she did not want to not be able to ask a question, that we should be able to ask a question when they come up to testify at a public hearing. There is no real difference between a public hearing and a Committee Meeting that we allocate a specific time; public hearing is 1:30 p.m. and this one would be 9:00 a.m. and we would have ten (10) minutes of public hearing, we do not have a limit. But Councilmember Yukimura explained the importance of the Councilmembers being able to ask clarifying questions but if you look at her amendment, "During the thirty (30) minute period, Councilmembers shall not address the public speaker," that concerns me. Why would it be good in the public hearing but not in the thirty (30) minute period. I am trying to be fair. I am trying to apply the Rules across the board whether it is a public hearing...so you cannot use the argument that I got to be able to ask a question if I have one at a public hearing

but I do not really need to ask one in this period. Again, it is difficult for me. I will not be supporting this and if not, roll call.

Councilmember Yukimura: May I answer your concern?

Council Chair Rapozo: Yes.

Councilmember Yukimura: The Rules Committee when we looked at this limited the Council questioning because...and it is difficult for me that we are limiting it, but it was so that we could get as many people through at the beginning to hear what they had to say. We saw this as...not as a substitute but as a way to allow more testimony in a limited time and with other things to balance.

Council Chair Rapozo: And how do you plan on getting around the OIP issue?

Councilmember Yukimura: I do not see the OIP issue at all and I did not...I do not know that we pointed out to them that people who were not able to testify under this rule could testify during the regular meeting. My understanding of the Sunshine Law is that everybody has to have an opportunity to testify, but if people have to leave, they have to leave. We are not required to give them convenience.

Council Chair Rapozo: And it really does not matter what we think about the Sunshine Law, what matters is what the OIP thinks. I am concerned that we are treading on some really, really bumpy waters with this one. I think before we move forward, we should get clarification from OIP in writing, because that is the last thing we want to do. Roll call please.

The motion to amend Rule No. 11(d), as shown in Attachment 2 was then put, and failed by the following vote:

FOR AMENDMENT:	Chock, Hooser, Yukimura	TOTAL – 3,
AGAINST AMENDMENT:	Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 4,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Four (4) nos.

Council Chair Rapozo: Next.

Councilmember Yukimura: Page 18, Conduct of Public Hearings. This is an amendment that would allow “Councilmembers to ask clarifying questions that enable the Council to better understand the point or position of the speaker.”

Councilmember Yukimura moved to amend Rule No. 12(e)(1), as shown in Attachment 2, seconded by Councilmember Hooser.

Council Chair Rapozo: Discussion?

Councilmember Hooser: Councilmember Yukimura’s batting average is not so great this afternoon, but I appreciate the discussion and I am hoping on this one, this is “mom and apple pie” here. I am hoping that some of the Councilmembers will see fit to say that they believe there should be a rule allowing us to ask questions to people speaking at public hearings to clarify. Often times people will give their

testimony and I have to scratch my head and say, "What did they just say?" If I am not able to raise my hand and ask them, "What did you just say," then there is a lot of wasted energy there. There is also some very qualified testimony. Sometimes experts will testify and whether it is from Engineers, Scientists, Planners, and qualifying questions are important and sometimes these people are only there once. They are not there at every meeting. They are there to testify at the public hearing and so I think to have a rule that allows Councilmembers to ask clarifying questions of the speaker during a public hearing, I cannot imagine why we would not want to have that rule passed. Thank you.

Councilmember Kagawa: I will vote for this amendment as long as we ensure that it is clear here today and going forward that when public hearings are held that this is not the time for Councilmembers to put on their "I know this" show. It is a time for just simply clarifying questions and I think if we keep it to that effect, as Councilmember Hooser described, then, yes. Who would not agree that it is worthwhile? Again, I have seen it over the past two (2) years how questions became discussion. It is very frustrating because in my view at times it discourages people from wanting to come – made to look stupid, if you may say. For that reason, I think we can work with this one. I will be supporting it. Thank you.

Council Chair Rapozo: Mr. Chock.

Councilmember Chock: I just wanted to reiterate. I think this goes hand in hand with the one that you introduced Chair about how people are treating each other because I think this is what the fear is behind not having this, or having this on as part of public hearings. It starts to move in the direction sometimes where personalities get involved. I just wanted to bring that back to why your introduction on that other amendment is there and I will be supporting this. Thank you.

Council Chair Rapozo: Thank you. Anyone else?

Councilmember Yukimura: Yes.

Council Chair Rapozo: Anyone else? Okay, I apologize JoAnn, I just want to give everybody an opportunity.

Councilmember Yukimura: No, I understand, no problem.

Council Chair Rapozo: Go ahead.

Councilmember Kualii: When I reviewed this rule earlier, I wrote a note to myself this is when the public speaks and not when the Councilmembers... Then I said Councilmembers should ask clarifying questions only and that the questions obviously should refer specifically to the actual testimony that was given and that there be no leading. No adding things to the testimony but just to let the public give their testimony, not the Councilmembers, so I can support this.

Council Chair Rapozo: Thank you.

Councilmember Kaneshiro: The key word here is clarifying questions and I know in the past people were worried about intimidating the public with their questions and if they are just asking clarifying questions, I am okay with it.

Council Chair Rapozo: Councilmember Yukimura.



Councilmember Yukimura: I think it is here where we depend on the Chair to police or regulate what is a clarifying question and when it gets out of hand whether it is for reasons of personality or for pontificating. I think there is a clear roll for the Chair but that is what the Chair is for. Thank you.

Council Chair Rapozo: And I agree. But I have been down that road before where as the Chair of the Committee and I have said, "Councilmember so-and-so, can you get to a question," and the answer was "I am getting there. I am working to that point." I would ask that everybody self-police and just do what we got to do. A clarifying question is, "What did you mean when you said what you said," that is a clarifying question. A clarifying question is not, "But Felicia, would you not agree that my way is the right way and your way is the wrong way." That is not a clarifying question. I have been doing this too long to know that happens. Clarifying questions are very simple, "What do you mean when you said that?" And I think that is what Mr. Hooser so eloquently stated, what did you say – ice-cream and apple pie, or something...hotdogs and ketchup, or whatever.

Again, we got to try to get a handle on the Council Meetings and I guess what I am asking...and I will be supporting the amendment and what I am asking is that we self-police and just do it ourselves so that the Chair does not have to be the bad guy. I am not just saying the Council Chair because these Rules apply to Committees as well in your Committees which you all Chair. Roll call.

The motion to amend Rule No. 12(e)(1), as shown in Attachment 2 was then put, and carried by the following vote:

FOR AMENDMENT:	Chock, Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST AMENDMENT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Councilmember Yukimura: Thank you. On page 20, I am not going to make the motion because it is similar to the one that lost. Just going back to the one about Staff meetings on page 7, I think I will not need to make any amendment as long as the Chair assures us that these meetings will be open to Councilmembers so long as the Sunshine Law is not violated. So if one (1) other Councilmember wants to come and sit in, that would be alright.

Council Chair Rapozo: Yes, you have my assurance.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: We are back to the main motion as amended.  
Any further discussion?

Councilmember Kagawa: I want to thank Councilmembers for working through this. I would have hoped that we could have accomplished all of this on this special day a little sooner by just getting to the point and seeing which ones you possibly had a chance at but nonetheless, I think we have a good, much improved product over the past. I think this product goes back to when I used to work for the Council. Sometimes I think they say, "keep it simple," so what we are going back to is not so much going backwards, but I think by going back we are going forward. By

amending the Rules, we extended the meetings and really drifting a little bit off where we should have been as far as focusing on how we can really help the citizens of Kaua'i. Thank you.

Council Chair Rapozo: Thank you. Any further discussion?

Councilmember Yukimura: Yes.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I appreciate the Chair and everyone else's consideration of my proposed amendments. Democracy is not always super efficient because we have other values to uphold besides just efficiency. It is about full debate. About hearing in an inclusive way peoples' concerns and comments because the belief is, if we do that, we will come to the best decisions. I am disappointed that we passed certain provisions that are going to limit debate and could limit that kind of robust decision, but that is part of democracy also. I am thankful for the process that we have gone through.

Council Chair Rapozo: Thank you. Any further discussion? If not, roll call.

The motion for adoption of Resolution No. 2015-02 as amended to Resolution No. 2015-02, Draft 1 was then put and carried by the following vote:

FOR ADOPTION:	Chock, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	Hooser	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: 6:1.

Council Chair Rapozo: Thank you. Could we have the final item?

Ms. Fountain-Tanigawa: We have two (2) more items.

Resolution No. 2015-03 – RESOLUTION RELATING TO THE APPOINTMENT OF THE CHAIRPERSONS, VICE CHAIRPERSONS, AND MEMBERS OF THE SEVERAL STANDING COMMITTEES OF THE COUNCIL OF THE COUNTY OF KAUAI: Councilmember Kagawa moved for adoption of Resolution No. 2015-03, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion? If not, roll call please.

The motion for adoption of Resolution No. 2015-03 was then put and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

COMMUNICATIONS:

C 2015-01 Communication (11/25/2014) from the County Clerk-Designee submitting for Council informational purposes, the re-appointment of Jade K. Fountain-Tanigawa as the Deputy County Clerk: Councilmember Kagawa moved to receive C 2015-01 for the record, seconded by Councilmember Yukimura.

Council Chair Rapozo: Discussion?

Councilmember Kagawa: First of all, I did not have a chance to thank and congratulate Jade and Ricky, but this item is about Jade and I just want to thank her for going all in for us. For me in my first two (2) years it has been a rough two (2) years, but the Staff has been tremendous and Jade is really topnotch. I am glad that we have both Ricky and Jade back and we will face another tough two (2) years, but you can do it with a good Staff. Thank you.

Council Chair Rapozo: Thank you. Anyone else? I would echo Councilmember Kagawa's comments. When I first got elected, Jade, you were an Analyst – Senior Analyst, whatever it was called back then and you have just been a great Staff person and hard worker. You created this whole new, you and Ricky, of course I am not going to forget Ricky, but you created this whole new breed of Staff members that are following your footsteps and I see JoAnn nodding her head, so I think we all agree. I speak for everyone that we appreciate what you both do for all of us. We look forward to a fantabulous term in the next two (2) years. With that, all in favor?

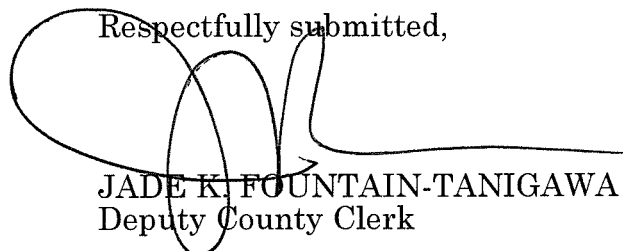
The motion to receive C 2015-01 for the record was then put, and unanimously carried.

ADJOURNMENT.

Councilmember Kagawa moved to adjourn the Inaugural Meeting of December 1, 2014, seconded by Councilmember Yukimura, and unanimously carried.

There being no further business, the Inaugural Meeting adjourned at 5:50 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
Deputy County Clerk

:dmc

(December 1, 2014)

**FLOOR AMENDMENT**

Resolution No. 2015-02, Resolution Adopting The Rules Of The Council Of The County Of Kaua'i For The Organization Of Committees And The Transaction Of Business

Introduced by: JOANN A. YUKIMURA

1. Amend the attachment titled "Rules of the Council of the County of Kaua'i" to Resolution No. 2015-02 in its entirety and as attached hereto.

(Material to be deleted is bracketed. New material to be added is underscored.)

# [RULES OF THE COUNCIL OF THE COUNTY OF KAUAI

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## RULE NO. 1 MEETINGS

(a) **Recommended Procedure for Initial Convening of the Council.**

(1) When the time specified by law arrives for the first convening of the newly elected Council, the Mayor, as the temporary Chair, shall call the Councilmembers-elect to order and shall appoint a temporary clerk.

(2) The Mayor, as the temporary Chair, shall appoint a Credentials Committee of not less than three members. The Credentials Committee shall immediately examine the credentials of the members elected. If the credentials are in order, the Credentials Committee shall so report and the oath of office shall be administered to the Councilmembers-elect by someone duly qualified to administer oaths.

(3) The oath having been administered, the Council shall then elect a Chair and Vice Chair as provided by Section 3.07 of the Charter of the County of Kaua'i.

(4) The Chairperson shall assume the chair of the Presiding Officer immediately after being elected and the Council shall then appoint the County Clerk, adopt the Rules of the Council, and appoint the Chairperson, Vice Chairperson, and members of the several Standing Committees by resolution.

(b) **Regular Council Meetings; Relocation.** Regular meetings of the Council shall be held in the Historic County Building or Lihu'e Civic Center in Lihu'e, County of Kaua'i, State of Hawai'i, or at a location designated by the Council, at 9:00 a.m. or other time designated by the Council, at least twice a month on a Wednesday, or on such day as the Council may designate. The Council by majority concurrence of its members may designate other locations, days, or times for its meetings.

(c) **Standing Committee Meetings.** When Standing Committees meet, they shall meet on Wednesday in the week after the regular meeting date, or on such other day if such Wednesday is untimely. The Public Works / Parks & Recreation Committee shall convene first, followed by the Public Safety Committee, the Housing & Transportation Committee, the Planning Committee, the Economic Development & Intergovernmental Relations Committee, the Budget & Finance Committee, and the Committee of the Whole.

(d) **Special Meetings.** Pursuant to the Charter and Chapter 92, Hawai'i Revised Statutes, special meetings may be called at any time by the Mayor, the Chair, or by five or more members of the Council. Written public notice shall be given as required by Chapter 92, Hawai'i Revised Statutes.

(e) **Executive Sessions.** All Council and Council Committee meetings shall be open to the public, except as provided by the Charter or Chapter 92, Hawai'i Revised Statutes. The Council or Council Committee may hold an executive session closed to the public pursuant to Section 92-4, Hawai'i Revised Statutes, upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the Council, for one or more of the following purposes:

(1) To consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;

(2) To deliberate concerning the authority of persons designated by the Council to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;

(3) To consult with the Council's attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and liabilities;

(4) To investigate proceedings regarding criminal misconduct;

(5) To consider sensitive matters related to public safety or security;

(6) To consider matters relating to the solicitation and acceptance of private donations; and

(7) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.

(f) **Emergency Meetings.** If the Council finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in Chapter 92, Hawai'i Revised Statutes, the Council may hold an emergency meeting, provided that:

(1) The Council states in writing the reasons for its findings;

(2) Two-thirds of all members agree that the findings are correct and an emergency exists;

(3) An emergency agenda and the findings are filed with the Office of the County Clerk; and

(4) Persons requesting notification are contacted by mail or telephone as soon as practicable.

“Emergency” is generally confined to natural disasters where immediate relief is needed for the public.

(g) **Workshops.** Committee Chairs, with the approval of the Council Chair, may schedule workshops to encourage increased dialogue among county representatives, technical experts, and the general public regarding a bill or resolution that is pending on the Council’s or the Committee’s agenda. The Committee Chair shall prepare the agenda and facilitate the meeting. Written public notice shall be given as required by Chapter 92, Hawai’i Revised Statutes. The workshop agenda may include the introduction of participants, presentations, and discussion of critical issues relating to a bill or resolution before the Council or Committee.

(h) **Adjournment.** The Council or Committee Chair may adjourn the meeting at any time unless the majority of the members present at the Council or Committee meeting object. Every adjournment shall be deemed to be to the next regular meeting of the body.

## RULE NO. 2 QUORUM AND VOTE: EXCEPTIONS LISTED

(a) **Council.** A physical majority (4) of the entire membership of the Council shall constitute a quorum and the affirmative vote of the majority (4) of the entire membership shall be necessary to take any action; provided, that an affirmative vote of at least two-thirds (5) of the Council shall be required for the following:

- (1) To authorize the issuance of general obligation bonds;
- (2) To override the Mayor’s veto;
- (3) To suspend without pay for not more than one month any member for disorderly or contemptuous behavior or for personal vilification in its presence;
- (4) To authorize, after consultation with the County Attorney, the public release of opinions upon questions of law rendered by the Office of the County Attorney that have been requested by the Council;
- (5) To hold an emergency meeting; and
- (6) To authorize the employment of special counsel.

(b) **Absence of Council Quorum.** In the absence of a physical quorum during any official meeting of the Council, the Council shall:

- (1) Recess its meeting to seek out a quorum; or



(2) Adjourn its meeting for lack of a quorum to a specified time and place.

(c) **Committee.** A physical majority of the membership of a Committee shall constitute a quorum, and the affirmative vote of a majority of the membership entitled to vote shall be necessary to take any action.

(d) **Absence of a Committee Quorum.** In the absence of a physical quorum during any official meeting of the Committee, the Committee shall:

(1) Recess its meeting to seek out a quorum; or

(2) Adjourn its meeting for lack of a quorum to a specified time and place.

### **RULE NO. 3 OFFICERS AND THEIR DUTIES**

(a) **Council Chair.** The Chair shall be the Presiding Officer of the Council. In the absence or disability of the Chair, the Vice Chair shall act as the Presiding Officer. In the event of the absence or disability of both the Chair and Vice Chair, the Chair of the Economic Development & Intergovernmental Relations Committee shall act as the Presiding Officer. In his or her absence or disability, the Chair of the Housing & Transportation Committee shall act as the Presiding Officer.

It shall be the duty of the Presiding Officer:

(1) To open all meetings of the Council at the appointed hours by taking the Chair and calling the Council to order;

(2) To call for the approval of the minutes of the preceding meeting(s) when a quorum shall be present;

(3) To maintain order and proper decorum;

(4) To announce the business before the Council in the order prescribed by these rules;

(5) To receive and to determine for disposition all matters properly brought before the Council, to call for votes upon the same, and to announce the results;

(6) To authenticate by signature all acts of the Council as may be required by law;

(7) To make known all Rules of Order when so requested and to decide all questions of order, subject to an appeal to the Council;

(8) To announce the result on any matter voted on by the Council, and in case of a tie vote, to order that the matter be made the special order of the day for the next regular meeting;

(9) To act as the Council's liaison in dealing with the Clerk's Office functions; to provide for the coordination of all administrative activities in the legislative branch and the Clerk's and Auditor's offices to see that they are honestly, efficiently, and lawfully conducted; to sign all instruments requiring execution or agreement by the Council; to act as chief procurement officer of the legislative branch pursuant to Chapter 103D, Hawai'i Revised Statutes; and to perform such other duties as may be required by law, or such as may properly appertain to such office;

(10) To approve Councilmembers' travel requests;

(11) To receive all reports, communications, bills, resolutions, and other items addressed to the Council from the public, the Mayor, various governmental agencies or departments, and individual Councilmembers, and immediately make the proper referrals of these matters to the Council or to the appropriate Committee Chairperson(s). All communications addressed to the Council shall be numbered and made available to the public upon request, except as otherwise provided by law; and

(12) To hold a Chair's meeting, as needed, with the Clerk or Council Services staff, to informally discuss scheduling, operational, or procedural matters, that are within the decision-making authority of the Chair, and that do not require Council approval.

(b) **Council Vice Chair.** It shall be the duty of the Vice Chair to assume the duties of the Chair in the Chair's absence and perform other duties as may be assigned by the Chair.

(c) **Committee Chair.** The Chair of each Committee may call any meetings or hearings of the Committee, and shall preside at such meetings or hearings. The Vice Chair of the Committee shall perform the duties of a Committee Chairperson who is absent.

(d) **County Clerk.** It shall be the duty of the County Clerk or an authorized representative, in addition to those duties prescribed by law:

(1) To read bills, resolutions, and other matters to the Council, if so required;

(2) To forward at once to the proper parties all communications and other matters, either directly or through a Committee, as the case may be;

(3) To deliver to the appropriate Committee all petitions, resolutions, bills, or other matters, as may be duly referred to such Committee;

(4) To note all questions of order with the decision thereon, collect the same together and append them to the minutes;

(5) To make a list of all bills, resolutions, petitions, communications, and other matters set for consideration on particular dates;

(6) To have charge of all records of the Council and be responsible for same;

(7) To be responsible for the administration of the Office of the County Clerk;

(8) To advertise digests of all bills passed on first reading in accordance with law;

(9) To enter objections of the Mayor in the minutes of the Council upon receipt of bills vetoed and place such objections related to bills on the agenda as directed by the Chair;

(10) To certify ordinances; and

(11) To serve in all matters as Clerk of the Council and to perform all clerical duties and offices pertaining to such position as the Council shall from time to time direct, as well as other duties as shall by law or these rules, or rules hereafter adopted, be assigned to the Clerk, or such as properly pertain to such position.

#### **RULE NO. 4 COMMITTEES**

There shall be four kinds of Committees; namely, (a) Standing Committees; (b) Joint Committees; (c) Sub-Committees; and (d) Special Advisory Committees.

(a) **Standing Committees.** There shall be seven (7) Standing Committees consisting of both five (5) voting members and two (2) ex-officio members, except for the Committee of the Whole and the Budget & Finance Committee, which shall consist of seven (7) voting members. Ex-officio members of a Committee shall have a voice, but no vote, in all Committee proceedings, and are not counted in determining the number required for a quorum or whether a quorum is present. Ex-officio members shall also not have a right to make motions. The purpose of the Standing Committees is to provide well-considered recommendations to the Council on all bills, resolutions, and other matters referred to the Standing Committee by the Council.

(1) **A Committee on Public Works / Parks & Recreation** consisting of five (5) voting members and two (2) ex-officio members. The Public Works / Parks & Recreation Committee shall consider all matters pertaining to highways and roads, utilities, solid waste, wastewater, buildings under the jurisdiction of the County, baseyards, parks, beaches, recreational areas, stadiums, Neighborhood Centers, Kaua'i War Memorial Convention Hall and the services provided, all recreational facilities, Wailua Golf Course, promotion and initiation of recreational programs and events, youth and elderly recreational programs, and legislation relating to the Committee.

(2) **A Committee on Public Safety** consisting of five (5) voting members and two (2) ex-officio members. The Public Safety Committee shall consider all matters pertaining to Police, Fire, the Office of the Prosecuting Attorney, Civil Defense, Liquor Control, legal issues relating to public safety, and legislation relating to the Committee.

(3) **A Committee on Housing & Transportation** consisting of five (5) voting members and two (2) ex-officio members. The Housing & Transportation Committee shall consider all matters pertaining to housing, public transportation, and legislation relating to the Committee.

(4) **A Committee on Planning** consisting of five (5) voting members and two (2) ex-officio members. The Planning Committee shall consider all matters pertaining to land use, the General Plan, zoning, shoreline protection, subdivision controls, environmental concerns, historic preservation, water department, and legislation relating to the Committee.

(5) **A Committee on Economic Development & Intergovernmental Relations** consisting of five (5) voting members and two (2) ex-officio members. The Economic Development & Intergovernmental Relations Committee shall consider all matters relating to economic development programs and initiatives relating to tourism, the visitor industry, military, small business development, employment, sports and recreation development, culture and the arts development, economic development promotional efforts, sustainability, agriculture, food, energy, other economic development areas, the Hawai'i State Association of Counties (HSAC), the National Association of Counties (NACo), and legislation relating to the Committee.

(6) **A Committee on Budget & Finance** consisting of seven (7) voting members. The Budget & Finance Committee shall consider all matters pertaining to finances, revenues, taxes, real property tax, preparation of the annual County Operating and Capital Improvement Projects (CIP) budgets, budget amendments, and legislation relating to the Committee.

(7) **A Committee of the Whole** consisting of all members of the Council. The Committee of the Whole shall consider all matters pertaining to establishment of new Committees, policies of the Council, goals and objectives of the Council and its Committees, rules of the Council, screening of questions of ethics, internal matters dealing with the Council and the Office of the County Clerk, charter amendments, all issues involving the Office of the County Auditor, the Department of Human Resources, Elderly Affairs, appointments to boards and commissions, and legislation relating to the Committee.

(b) **Joint Committees.** The Council may, through motion duly adopted, refer items to Joint Committees. Such referral shall be sufficient to establish such Joint Committees. Such Joint Committees shall consist of any combination of Standing Committees and shall be presided over by the Chair of the first named Standing Committee. Such Joint Committees shall meet and report on all matters referred to them in the same manner as Standing Committees.

(c) **Sub-Committees.** Sub-Committees shall report to a Standing Committee from time to time as the occasion requires, serving until discharged after final reporting on the special matter referred to it.

(d) **Special Advisory Committees.** Special Advisory Committees may be created as needed by the Council.

(1) A Special Advisory Committee shall consist of at least one Councilmember and may include members from the private and non-profit sectors, and representatives from other political subdivisions and other government agencies.

(2) Special Advisory Committees shall engage in fact finding and evaluation of issues, and shall make recommendations with regard to these issues. To avoid duplication, only one Special Advisory Committee may be appointed to study and evaluate an issue.

(3) All communications from a Special Advisory Committee shall be made to the Council.

(4) Special Advisory Committees shall serve until discharged via motion by the Council.

(e) **Formation by Resolution.** Sub-Committees and Special Advisory Committees shall be established by resolution, which shall state:

- (1) The purpose of the Committee;
- (2) The members of the Committee;
- (3) The Committee's scope of work; and

(4) The timetable under which the Committee will complete its work.

(f) **Committee Reports.** Committees shall report from time to time upon all matters referred to them.

(1) Whenever any matter shall be referred to a Committee it shall be the duty of such Committee to make diligent inquiry into all of the facts and circumstances connected with such matter. If necessary, the County Attorney may be consulted, witnesses may be summoned and examined, documents and records searched, and everything done to bring all facts pertaining to such matter before the Council.

(2) The report of a Committee on a bill or resolution shall state clearly the amendments, if any, proposed. If an amended bill or resolution shall be reported in place of the one referred to such Committee, the same must agree with the subject of the one submitted and returned to the Council.

(3) Whenever a Committee fails to agree, the majority of voting members shall report and the same shall be the report of the Committee. The minority of voting members of the Committee may file a separate report or simply note on the report of the majority of voting members of the Committee the words, "I (or we) do not concur."

## RULE NO. 5 VOTING, ATTENDANCE, AND ABSENCE

(a) **Voting Methods.** There shall be four methods of ascertaining the decision of the Council or Committees upon any matter:

1st, by a call of the roll of the voting members and a record made of the vote of each voting member. The vote on any bill or resolution shall be by roll call. In addition, upon the request of any voting member, a roll call vote shall be taken;

2nd, by voice vote;

3rd, by rising; and

4th, by unanimous consent.

(b) **Silent Vote.** Unless a member is recused or formally excused or recused pursuant to Rule Nos. 5(c) or 5(d), respectively, the member's silence shall be recorded as an affirmative vote for the motion. Each vote shall be recorded in the minutes and reported to the Presiding Officer, who shall announce the result to the Council or Committee.

(c) **Voting Required.** No member shall refrain from voting unless the member is absent or possesses a direct conflict of interest on the matter being voted on in accordance with Charter Section 20.04B and Rule No. 8 of these Rules. The member shall make full disclosure of the member's conflict of interest, shall not participate in said matter, and shall be deemed recused.

(d) **Attendance.** No member may be absent from a meeting of the Council or a Committee, or from the service of the Council or the Committee, unless the member has so advised the Council Chair in the event of a Council Meeting, or the Committee Chair in the event of a Committee Meeting, prior to or during the course of the meeting, and has been deemed excused by the respective Chair.

(e) **Council Absence.** At a Council meeting, if members are evenly divided on any main motion or if there are insufficient votes to carry any main motion because of the absence of a member, the item shall be made the special order of the day for the next regular Council meeting.

(f) **Committee Absence.** At a Committee meeting, if Committee members entitled to vote are evenly divided on any main motion, or if there are insufficient votes to carry any main motion, because of the absence of a voting member, the item shall be referred to the next agenda of the Committee for disposition.

(g) **Explaining Vote; Changing Vote.** Whenever the ayes and noes are called, no one, without the unanimous consent of the members present, shall be permitted to explain their vote; and after the announcement of the result, no one shall be permitted to vote or to change their vote without unanimous consent.

## **RULE NO. 6 MOTIONS**

(a) No motion may be considered until the same has been seconded.

(b) After a motion is stated or read by the Presiding Officer, it is deemed in the possession of the body, and shall be disposed of by vote. However, any motion may be withdrawn by the movant with consent of the second at any time before a decision or amendment.

(c) Whenever any question whatsoever is under discussion, the motions relative thereto shall be:

1st, to lay on the table; (no debate)

2nd, to postpone or defer to a certain time; (no debate)

3rd, to commit or refer;

4th, to amend; or

5th, to postpone indefinitely; when a question is postponed indefinitely, the same shall not be acted upon again or revised at any subsequent meeting in the calendar year in which such question was so disposed.

The motions shall have precedence in the order named. The first two motions shall be decided without debate and shall be put as soon as made.

(d) When any of said motions are decided in the negative, the same shall not be revived at the same meeting relative to the main question under discussion. If all are negative as aforesaid, the only remaining question shall be as to the approval or receipt of the bill, resolution, or other main question. If a motion to approve a matter fails in Committee, the recommendation to the Council shall be to receive the matter. If a motion to receive fails in Committee, then the matter shall remain in Committee. An affirmative vote to recommend either receipt or approval of the matter shall be taken before the recommendation of the Committee is made to the Council.

(e) When any matter before the Council or Committee is postponed or deferred to a certain time, the period of postponement or deferral shall be specifically stated. If not, the matter shall be an order of business for the next Committee or Council meeting.

(f) No member may speak longer than a total of five (5) minutes on the same agenda item. A member may not speak more than twice on the same question without leave of the Presiding Officer, subject to an appeal to the body. The member or members introducing the matter shall have a combined total of twenty (20) minutes to speak during the initial introduction of the matter.

(g) **Motion to Adjourn.** A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

(h) **Call For The Question.** The object of the motion to call for the question is to cut off debate. It shall always be in order and shall require a two-thirds vote of the members present to carry it. Whenever such motion prevails, the main question, subject to the order of priority, shall be put.

(i) **Reconsideration.** When a motion has been made and carried in the affirmative or negative, only a member who voted with the majority may move, at the same meeting or at the next regular meeting, to reconsider it and such motion shall take precedence over all other questions except a motion to adjourn; except that pursuant to the Charter, when a bill fails to pass on final reading and a motion is made to reconsider, the vote on such motion shall not be acted upon before the expiration of 24 hours.



(j) **Point of Order.** A point of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for.

(1) When the Chair or any member thinks that the rules are being violated, the Chair or member can raise a point of order (or "raise a question of order"), thereby calling upon the Chair for a ruling and an enforcement of the rules. Such question shall be decided by the Chair, without debate, subject to an appeal to the Council. In addition, the Chair may call for the sense of the body on any point of order.

(2) Whenever any person is called to order while speaking, that person shall be in possession of the floor after the point of order is decided, and may proceed with the matter under discussion within the ruling made on the point of order.

#### **RULE NO. 7 APPEAL**

The Council or Committee may, by a majority vote, overrule the decision of the Chair upon a motion of appeal which is duly seconded.

#### **RULE NO. 8 DISCLOSURE OF INTEREST**

Whenever a possible conflict of interest regarding any matter pending before the Council or any of its Committees becomes apparent to a member, the member shall promptly make a written disclosure to such body.

#### **RULE NO. 9 GENERAL PROVISIONS REGARDING BILLS, RESOLUTIONS, MOTIONS, AND AMENDMENTS**

(a) **Introduction.** Any bill or resolution may be introduced by any member. The original copy of any bill or resolution shall be written, dated, and signed by the introducer; otherwise it shall not be considered.

(b) **Manager.** Each legislation shall have a manager. The introducer and/or appropriate Committee Chair shall serve as manager of the legislation and may delegate this function to another Councilmember. The manager shall be responsible for the management of such legislation including the securing of all pertinent information regarding the matter.

(c) **Placement on Agenda.** All bills and resolutions must be initialed by the Council Chair or, in the Chair's absence, the Vice Chair (or other designated chair as stated in Rule No. 3) in order to be placed on the agenda.

(d) **Amendment of Bills and Resolutions.** No bill or resolution may be amended so as to change its original purpose. Every bill or resolution, as amended, shall be in writing before final passage.

(e) **Motions and Amendments.** Motions and amendments may be verbal, but shall be reduced to writing, if requested by the Presiding Officer, and shall be read by the County Clerk upon request by any member.

(f) **Bill Readings.** Pursuant to the Charter, bills shall be passed only after two readings on separate days. No bill shall become an ordinance unless passed on second and final reading by a majority of all Councilmembers (4), or by at least five (5) Councilmembers, when so required.

(g) **Resolution Readings.** Except as otherwise provided by the Charter, resolutions shall be adopted on one reading by the affirmative vote of a majority of the entire membership of the Council.

(1) **Eminent Domain Resolutions.** Pursuant to the Charter, resolutions authorizing proceedings in eminent domain shall not be acted upon on the date of introduction, but shall be laid over for at least fourteen (14) days before adoption. Such resolutions shall be advertised once in a newspaper of general circulation in the County at least fourteen (14) days before adoption by the Council. Not less than three (3) copies of such resolutions shall be filed for use and examination by the public in the Office of the County Clerk at least fourteen (14) days prior to the adoption thereof.

(h) **Full Readings Waived.** Full oral readings of bills and resolutions are hereby waived and may be by title and/or number only unless a full reading is requested by any of the members present.

(i) **Publication of Bills.** Bills embracing: (1) the fixing of special assessments for the costs of improvements, (2) the appropriation of public funds or the authorization for the issuance of general obligation bonds, or (3) the imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in a newspaper of general circulation in the County, with the vote noted, at least seven days before final reading by the Council. Not less than three copies of such bills shall be filed for use and examination by the public in the Office of the County Clerk at least seven days prior to the final reading thereof.

(j) **Submission to Mayor.** Every bill, or resolution authorizing proceedings in eminent domain, which shall have passed the Council and which shall have been duly authenticated, shall be presented to the Mayor for approval. Thereafter, action on the same shall be governed by the procedure set forth in Section 4.03 of the Charter.

## **RULE NO. 10 CERTIFICATES**

Certificates are non-legislative in nature and are intended to recognize people or organizations for outstanding achievements, to offer thanks, to honor retirees, to offer condolences, or to support the observance of certain time periods in recognition of certain causes.

(a) These certificates are approved upon signing and require no other formal Council action.

(b) The sponsoring Councilmember shall be responsible for securing the signatures of the other Councilmembers.

(c) Any conflicts such as sponsorship, duplicate requests, or whether the subject matter should be in certificate or resolution form shall be decided by the Council Chair, subject to appeal to the Council.

## **RULE NO. 11 TESTIMONY**

(a) At a Council or Committee meeting, or at a public hearing, written or oral testimony shall be accepted.

(b) **Written testimony.** Written testimony shall be received for the record on any agenda item. The proponent shall provide fifteen (15) copies of the testimony to the Clerk for distribution to the Council and staff.

(c) **Oral testimony.**

(1) Persons wishing to testify are requested to register with the Clerk prior to the Chair calling the meeting to order.

(2) Persons testifying are entitled to the floor only when recognized by the Chair.

(3) Persons testifying may state their name, whom they represent, and shall state whether they are a registered lobbyist, in compliance with Chapter 97, Hawai'i Revised Statutes.

(4) Persons testifying shall testify only on the subject matter under consideration, and shall refrain from direct questioning of the Councilmembers and staff personnel, and shall direct any remarks or questions to the Chair.

(5) Persons with written testimony may be given priority at the discretion of the Chair.

(6) Oral testimony shall be limited to three (3) minutes per person. The Chair shall have the prerogative to set the order of speakers, speaking for or against any proposition, and may notify the speaker of the expiration of speaking time 30 seconds before such expiration. The Chair may allow an additional three (3) minutes to provide further testimony after all persons have had an opportunity to speak.

(7) The Chair shall grant to persons who have not registered time to speak following the registered speakers in same manner as registered speakers.

(8) Speakers shall restrict themselves to the issues and avoid personalities.

(9) The Chair may restrict or terminate a speaker's right to the floor for intemperate or abusive behavior or language.

## **RULE NO. 12 PUBLIC HEARINGS**

(a) **Committee Hearings.** Public hearings of Council matters initiated by or referred to a Committee shall be chaired by the Chair or Vice Chair of that Committee.

(b) **Council Hearings.** Public hearings initiated by the Council shall be chaired by the Chair or Vice Chair of the Council, or by the respective Chair or Vice Chair of the Committee to which the matter has been referred.

(c) **Action Following Public Hearings.** Upon the conclusion of any public hearing, the matter shall remain within the jurisdiction of the appropriate body for amendments, recommendations, or disposition.

(d) **Location of Hearings.** All public hearings of the Council or Committees shall be held in the Historic County Building or Līhu'e Civic Center or at a location designated by the Council and during normal working hours of the County, unless otherwise provided by law or majority concurrence of the Council or Committee.

(e) **Conduct of Public Hearings.**

(1) Public hearings are held to receive testimony from the public. Councilmembers shall reserve their opinions, questions, and arguments for the appropriate Council or Committee meeting.

(2) The Council Chair or Committee Chair shall be the Presiding Officer, and shall be responsible for conducting a fair, expeditious, and orderly hearing.

(3) The notice and purpose of the hearing shall be clearly stated at the beginning of each hearing.

### **RULE NO. 13 ORDER AND DECORUM**

(a) No person shall sit at the desk of the Presiding Officer of the Council or County Clerk, except by permission of the Presiding Officer, or at the desk of any Councilmember, except by permission of that Councilmember.

(b) While the Presiding Officer is putting any question or addressing the body, or when a member is speaking, no one shall entertain a private discourse, nor while a member is speaking shall anyone pass between that Councilmember and the Chair.

(c) When speaking, a Councilmember shall address the Chair, with any remarks confined to the question under discussion while avoiding personalities.

(d) No unauthorized person shall enter the floor of the Council or Committee except by permission of the Presiding Officer.

### **RULE NO. 14 ORDER OF BUSINESS FOR COUNCIL MEETINGS**

After roll call, and the approval of the agenda and minutes, the Presiding Officer shall call for business in the following order:

- (a) Consent calendar;
- (b) Items made the special order of the day;
- (c) Messages from the Mayor;
- (d) Reports and communications from County officers;
- (e) Reports and communications from non-County parties;
- (f) Reports of Standing Committees;
- (g) Reports of Other Committees;
- (h) Introduction of bills and resolutions;
- (i) Unfinished business;
- (j) Order of the Day, including adoption of resolutions and second reading of bills;

- (k) Miscellaneous business;
- (l) Public hearings may be held at the time set in previous meetings of Council.

**RULE NO. 15**  
**AGENDA AND PRIORITY OF BUSINESS**

(a) All communications submitted to the Council shall be time-stamped upon receipt and presented to the Council Chair for disposition.

(b) The Council Chair shall have the discretion to schedule items to manage the business of the Council's agenda. All communications to be placed on the agenda must be initialed by the Council Chair and received by the Council or the Office of the County Clerk before 4:30 p.m. on the Friday two weeks preceding the day of the regular or Committee meeting, unless otherwise allowed by the Council Chair.

(c) The Council may place on the regular Council meeting agenda a consent calendar of items that may be received without presentations, clarifying questions, or debate. All items on the consent calendar may be received by a single motion. A member may request that an item be removed from the consent calendar for discussion and separate action. Any item so removed shall be considered after the vote upon the consent calendar. The Council Chair shall determine the most appropriate place on the agenda for the removed item.

(d) The Clerk shall prepare and post an agenda for all meetings of the Council and its Committees in compliance with the provisions of Chapter 92, Hawai'i Revised Statutes. Notices and agendas for all regular, Standing Committee, special, and executive session meetings shall be posted on the County of Kaua'i's website. Failure to post notices and agendas on the County of Kaua'i's website shall not invalidate any action taken by the Council or its Committees if the notice or agenda was given or posted in accordance with Chapter 92, Hawai'i Revised Statutes.

(e) Pursuant to Chapter 92, Hawai'i Revised Statutes, the Council or Committees shall not change the agenda, once filed, by adding items thereto without a two-thirds recorded vote of all members to which the body is entitled; provided that no item shall be added to the agenda in the manner provided herein if it is of reasonably major importance and action thereon by the body will affect a significant number of persons.

(f) The Council Chair may direct that any matter shall be made a special order of business.

(g) All questions relating to the priority of business are to be acted upon by the Council Chair or Committee Chair, and shall be decided without debate.

## **RULE NO. 16**

### **MINUTES**

- (a) Pursuant to Section 92-9, Hawai'i Revised Statutes, written minutes of all meetings and public hearings shall be kept.
- (b) The written minutes shall give a true reflection of the matters discussed and the views of the participants.
- (c) A full, verbatim transcript is not required, unless requested by a Councilmember prior to the meeting or public hearing.
- (d) Upon approval of the written minutes, the recording may be erased.

## **RULE NO. 17**

### **RESTRICTION ON EMPLOYMENT OF RELATIVES**

- (a) A public officer of the legislative branch of County government may not participate in the decision to appoint, employ, promote, or advance; or advocate for the appointment, employment, promotion, or advancement; in or to an appointed, non-civil service position in the legislative branch of County government, any individual who is his or her relative or domestic partner, or is a relative of the public officer's domestic partner.
- (b) For the purpose of this rule, "relative" means an individual who is related to a public officer of the legislative branch of County government as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
- (c) For the purpose of this rule, "domestic partner" means an adult, unrelated by blood, with whom a public officer: (1) has an exclusive committed relationship, (2) maintains a mutual residence, and (3) shares the cost of basic living expenses. A "relative of the public officer's domestic partner" means the father, mother, brother, sister, son, or daughter of the domestic partner of the public officer.
- (d) For the purpose of this rule, "public officer" shall mean members of the County Council, the County Clerk, and the County Auditor.
- (e) This rule shall not apply to individuals appointed, employed, promoted, or advanced prior to the effective date of this rule.

**RULE NO. 18**  
**COMMUNICATIONS WITH THE COUNTY ATTORNEY**

Requests for opinions as to questions of law made by individual Councilmembers to the County Attorney shall be made in writing and signed by the Councilmember seeking the opinion. Opinions received pursuant to those requests shall be confidential communications between the Councilmember making the request and the County Attorney. If the subject matter of the request has been placed on a Council or Committee agenda, then the opinion received shall be circulated concurrently to all Councilmembers, but shall remain a confidential communication with regard to other parties.

**RULE NO. 19**  
**NEWS REPORTERS**

News reporters wishing to take notes of the business of the Council may be assigned such places by the Presiding Officer without interfering with the convenience of the Council or its Committees. Requests to film the Council proceedings with the use of video or still photography may be submitted to the Office of the County Clerk in writing within seven (7) business days prior to the meeting.

**RULE NO. 20**  
**NEW RULES AND AMENDMENTS**

No rule of the Council may be altered or rescinded nor may any new rule be adopted without the affirmative vote of at least four (4) Councilmembers. All amendments shall be by resolution.

**RULE NO. 21**  
**SUSPENSION OF THE RULES**

None of these rules may be suspended, except by the affirmative vote of at least five (5) Councilmembers.

**RULE NO. 22**  
**WHEN RULES ARE SILENT**

The rules of parliamentary practice as laid down by the current edition of "Robert's Rules of Order, Newly Revised," shall govern the Council where the same are not inconsistent with these rules.]



# RULES OF THE COUNCIL OF THE COUNTY OF KAUAI

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**RULE NO. 1**  
**MEETINGS**

(a) Recommended Procedure for Initial Convening of the Council.

(1) When the time specified by law arrives for the first convening of the newly elected Council, the Mayor, as the temporary Chair, shall call the Councilmembers-elect to order and shall appoint a temporary clerk.

(2) The Mayor, as the temporary Chair, shall appoint a credentials committee of not less than three members. The credentials committee shall immediately examine the credentials of the members elected. If a majority of the credentials are in order, the credentials committee shall so report and the oath of office shall be administered to the Councilmembers-elect by some person duly qualified to administer oaths.

(3) The oath having been administered, the Council shall then elect a Chair and Vice Chair as provided by Section 3.07 of the County Charter.

(4) The Chairperson shall assume the chair of the presiding officer immediately after being elected and the Council shall then appoint the County Clerk, adopt the Rules of the Council, and appoint the Chair, Vice Chair and members of the several Standing Committees by resolution.

(b) Regular Council Meetings; Relocation. Regular meetings of the Council shall be held in the County Building or Lihue Civic Center in Lihue, County of Kauai, State of Hawaii, or at a location designated by the Council, at 9:00 a.m. or other time designated by the Council, at least twice a month on a Wednesday, or on such day as the Council may designate. The Council by majority concurrence of its members may designate other locations, days, or times for its meetings.

(c) Standing Committee Meetings. When Standing Committees meet, they shall meet on Wednesday in the week after the regular meeting date, or on such other day if such Wednesday is untimely. The Public Works / Parks & Recreation Committee shall convene first, followed by the Public Safety Committee, the Housing & Transportation Committee, the Planning Committee, the Economic Development & Intergovernmental Relations Committee, the Budget & Finance Committee, and the Committee of the Whole.

(d) Special Meetings. Pursuant to the Charter and Chapter 92, H.R.S., special meetings may be called at any time by the Mayor, the Chair, or by five or more members of the Council. Written public notice shall be given as required by Chapter 92, H.R.S.

(e) Executive Sessions. All Council and Council Committee meetings shall be open to the public, except as provided by the Charter or Chapter 92, H.R.S. The Council or Council Committee may hold an executive session closed to the public pursuant to Section 92-4, upon an affirmative vote, taken at an open meeting, of

two-thirds of the members present; provided the affirmative vote constitutes a majority of the Council, for one or more of the following purposes:

(1) To consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;

(2) To deliberate concerning the authority of persons designated by the Council to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;

(3) To consult with the Council's attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and liabilities;

(4) To investigate proceedings regarding criminal misconduct;

(5) To consider sensitive matters related to public safety or security;

(6) To consider matters relating to the solicitation and acceptance of private donations; and

(7) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.

(f) Emergency Meetings. If the Council finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in Chapter 92, H.R.S., the Council may hold an emergency meeting or add an emergency item to a posted agenda provided:

(1) The Council states in writing the reasons for its findings;

(2) Two-thirds of all members agree that the findings are correct and an emergency exists;

(3) An emergency agenda and the findings are filed with the Office of the County Clerk; and

(4) Persons requesting notification are contacted by mail or telephone as soon as practicable.

"Emergency" is generally confined to natural disasters where immediate relief is needed for the public.

(g) Workshops. Committee Chairs may schedule workshops to encourage increased dialogue among county representatives, technical experts, and the general public. The Chair or Chair's designee shall prepare the agenda and facilitate the meeting. Written public notice shall be given as required by Chapter 92, H.R.S. The workshop agenda may include the introduction of participants, presentations, and discussion of critical issues relating to a bill before the council.

(h) Adjournment. Meetings may be adjourned at any time by vote, and unless otherwise specified in the motion, every adjournment shall be deemed to be to the next regular meeting of the body.

## **RULE NO. 2**

### **QUORUM AND VOTE: EXCEPTIONS LISTED**

(a) Council. A physical majority (4) of the entire membership of the Council shall constitute a quorum and the physical majority (4) vote of the entire membership shall be necessary to take any action; provided, that an affirmative vote of at least two-thirds (5) of the Council shall be required for the following:

(1) To authorize the issuance of general obligation bonds;

(2) To override the Mayor's veto;

(3) To suspend without pay for not more than one month any member for disorderly or contemptuous behavior or for personal vilification in its presence;

(4) To authorize, after consultation with the County Attorney, the public release of opinions upon questions of law rendered by the Office of the County Attorney that have been requested by the Council;

(5) To hold an emergency meeting; and

(6) To authorize the employment of special counsel.

(b) In the absence of a physical quorum during any official meeting of the Council, the Council shall:

(1) Recess its meeting to seek out a quorum; or

(2) Adjourn its meeting for lack of a quorum to a specified time and place.

(c) Committee. A physical majority of the membership of a Committee shall constitute a quorum, and a physical majority vote of the membership entitled to vote shall be necessary to take any action.

In the absence of a physical quorum during any official meeting of the Committee, the Committee shall:

- (1) Recess its meeting to seek out a quorum; or
- (2) Adjourn its meeting for lack of a quorum to a specified time and place.
- (d) A physical majority of less than a quorum may adjourn from day to day and shall have power to compel the attendance of absent members

### **RULE NO. 3** **OFFICERS AND THEIR DUTIES**

(a) Council Chair. The Chair shall be the Presiding Officer of the Council. In the absence or disability of the Chair, the Vice Chair shall act as the Presiding Officer. In the event of the absence or disability of both the Chair and Vice Chair, the Chair of the Economic Development & Intergovernmental Relations Committee shall act as the Presiding Officer. In his or her absence or disability, the Chair of the Housing & Transportation Committee shall act as the Presiding Officer.

It shall be the duty of the Presiding Officer:

- (1) To open all meetings of the Council at the appointed hours by taking the Chair and calling the Council to order;
- (2) To call for the approval of the minutes of the preceding meeting when a quorum shall be present;
- (3) To maintain order and proper decorum;
- (4) To announce the business before the Council in the order prescribed by these rules;
- (5) To receive and to determine for disposition all matters properly brought before the Council, to call for votes upon the same, and to announce the results;
- (6) To authenticate by signature all acts of the Council as may be required by law;
- (7) To make known all Rules of Order when so requested and to decide all questions of order, subject to an appeal to the Council;
- (8) To announce the result on any matter voted on by the Council, and in case of a tie vote, to order that the matter be made the special order of the day for the next regular meeting.

(9) To act as the Council's liaison in dealing with the Clerk's Office functions, provide for the coordination of all administrative activities in the legislative branch and the Clerk's and Auditor's offices to see that they are honestly, efficiently, and lawfully conducted, sign all instruments requiring execution or agreement by the Council, act as chief procurement officer of the legislative branch pursuant to Chapter 103D of the Hawai'i Revised Statutes, and perform such other duties as may be required by law, or such as may properly appertain to such office;

(10) To approve Councilmembers' travel requests;

(11) To receive all reports, communications, bills, resolutions, and other items addressed to the Council from the public, the Mayor, various departments of the government, and individual Councilmembers, and immediately make the proper referrals of these matters to the Council or to the appropriate Committee Chairperson(s). All communications addressed to the Council shall be numbered and made available to the public upon request, except as otherwise provided by law; and

(12) To hold a Chair's meeting, as needed, to informally discuss scheduling, operational, or procedural matters, that are within the decision-making authority of the Chair or a committee chair, and that do not require Council approval; provided, that all Council members shall be given written notice of the date, time, and place of the meeting, and the topics to be discussed; and provided, further, that a quorum shall not be required.

(b) It shall be the duty of the Vice Chair to assume the duties of the Chair in the Chair's absence and perform other duties as may be assigned by the Chair;

(c) Committee Chair. The Chair of each Committee may call any meetings or hearings of the Committee subject to the approval of the Committee, and shall preside at such meetings or hearings. The Vice Chair shall perform the duties of a Chairperson who is absent.

(d) County Clerk. It shall be the duty of the County Clerk or an authorized representative, in addition to those duties prescribed by law:

(1) To read bills, resolutions, and other matters to the Council, if so required;

(2) To forward at once to the proper parties all communications and other matters, either directly or through a Committee, as the case may be;

(3) To deliver to the appropriate Committee all petitions, resolutions, bills or other matters, as may be duly referred to such Committee;

(4) To note all questions of order with the decision thereon, collect the same together and append them to the Journal;

(5) To make a list of all bills, resolutions, petitions, communications and other matters set for consideration on particular dates;

(6) To have charge of all records of the Council and be responsible for same;

(7) To be responsible for the administration of the Office of the County Clerk;

(8) To advertise digests of all bills passed on first reading in accordance with law;

(9) To enter objections of the Mayor in the journal of the Council upon receipt of bills vetoed and place such objections related to bills on the agenda as directed by the Chair;

(10) To certify ordinances; and

(11) To serve in all matters as Clerk of the Council and to perform all clerical duties and offices pertaining to such position as the Council shall from time to time direct, as well as other duties as shall by law or these rules, or rules hereafter adopted, be assigned to the Clerk, or such as properly pertain to such position.

#### **RULE NO. 4** **COMMITTEES**

There shall be four kinds of committees; namely, (a) Standing Committees; (b) Joint Committees; (c) Sub-Committees; (d) Special Advisory Committees.

(a) Standing Committees. There shall be seven Standing Committees consisting of both voting members and ex-officio members, except for the Committee of the Whole which shall consist of seven (7) voting members. Ex-officio members of a committee shall have a voice, but no vote in all committee proceedings, and are not counted in determining the number required for a quorum or whether a quorum is present. Ex-officio members shall also not have a right to make motions. The purpose of the standing committees is to provide well-considered recommendations to the Council on all bills, resolutions and other matters referred to the standing committee by the Council.

(1) A Committee on Public Works / Parks & Recreation consisting of five (5) voting members and two (2) ex-officio members. The Public Works / Parks & Recreation Committee shall consider all matters pertaining to highways and roads, utilities, solid waste, wastewater, buildings under the jurisdiction of the County, baseyards, parks, beaches, recreational areas, stadiums, Neighborhood Centers, Kaua'i War Memorial Convention Hall and the services provided, all recreational facilities, Wailua Golf Course, promotion and initiation of recreational programs and events, youth and elderly recreational programs, and legislation relating to the Committee.

(2) A Committee on Public Safety consisting of five (5) voting members and two (2) ex-officio members. The Public Safety Committee shall consider all matters pertaining to Police, Fire, the Office of the Prosecuting Attorney, Civil Defense, Liquor Control, legal issues relating to public safety, and legislation relating to the Committee.

(3) A Committee on Housing & Transportation consisting of five (5) voting members and two (2) ex-officio members. The Housing & Transportation Committee shall consider all matters pertaining to housing, public transportation, and legislation relating to the Committee.

(4) A Committee on Planning consisting of five (5) voting members and two (2) ex-officio members. The Planning Committee shall consider all matters pertaining to land use, the General Plan, zoning, shoreline protection, subdivision controls, environmental concerns, historic preservation, water department, and legislation relating to the Committee.

(5) A Committee on Economic Development & Intergovernmental Relations consisting of five (5) voting members and two (2) ex-officio members. The Economic Development & Intergovernmental Relations Committee shall consider all matters relating to economic development programs and initiatives relating to tourism, the visitor industry, military, small business development, employment, sports and recreation development, culture and the arts development, economic development promotional efforts, sustainability, agriculture, food, energy, other economic development areas, the Hawai'i State Association of Counties (HSAC), the National Association of Counties (NACo), and legislation relating to the Committee.

(6) A Committee on Budget & Finance consisting of seven (7) voting members. The Budget & Finance Committee shall consider all matters pertaining to finances, revenues, taxes, real property tax, preparation of the annual County Operating and Capital Improvement Projects (CIP) budgets, budget amendments, and legislation relating to the Committee.



(7) A Committee of the Whole consisting of all members of the Council. The Committee of the Whole shall consider all matters pertaining to establishment of new Committees, policies of the Council, goals and objectives of the Council and its Committees, rules of the Council, screening of questions of ethics, internal matters dealing with the Council and the Office of the County Clerk, charter amendments, all issues involving the Office of the County Auditor, the Department of Human Resources, Elderly Affairs, appointments to boards and commissions, and legislation relating to the Committee.

(b) Joint Committees. The Council may, through motion duly adopted, refer items to Joint Committees. Such referral shall be sufficient to establish such Joint Committees. Such Joint Committees shall consist of any combination of Standing Committees and shall be presided over by the Chair of the first named Standing Committee. Such Joint Committees shall meet and report on all matters referred to them in the same manner as Standing Committees.

(c) Sub-Committees. Sub-Committees shall report to a Standing Committee from time to time as the occasion requires, serving until discharged after final reporting on the special matter referred to it.

(d) Special Advisory Committees. Special Advisory committees may be created as needed by the Council chair or standing committee chair with the concurrence of a majority of the voting members of either the Council or standing committee.

(1) An advisory committee shall consist of at least one councilmember from the Council or standing committee and may include members from the private and non-profit sectors, and representatives from other political subdivisions and other government agencies.

(2) Advisory committees shall engage in fact finding and evaluation of issues, and shall make recommendations with regard to these issues. A standing committee may appoint an advisory committee to study and evaluate only those issues related to the business of that standing committee. To avoid duplication, only one advisory committee may be appointed to study and evaluate an issue.

(3) All communications from an advisory committee shall be made to the Council, or, if appointed by a standing committee, to that committee.

(4) Advisory committees shall serve until discharged by the Council or the standing committee that appointed it.

(e) Formation by Resolution. Sub-Committees and Special Advisory Committees shall be established by resolution which shall state:

- (1) the purpose of the committee;
- (2) the members of the committee;
- (3) the committee's scope of work; and
- (4) the timetable under which the committee will complete its work.

(f) Committee Reports. Committees shall report from time to time upon all matters referred to them.

(1) Whenever any matter shall be referred to a Committee it shall be the duty of such Committee to make diligent inquiry into all of the facts and circumstances connected with such matter. If necessary, the County Attorney may be consulted, witnesses may be summoned and examined, documents and records searched and everything done to bring all facts pertaining to such matter before the Council.

(2) The report of a Committee on a bill or resolution shall state clearly the amendments, if any, proposed. If a substitute bill or resolution shall be reported in place of the one referred to such Committee, the same must agree with the subject of the one submitted and returned to the Council.

(3) Whenever a Committee fails to agree, the majority of voting members shall report and the same shall be the report of the Committee. The minority of voting members of the Committee may file a separate report or simply note on the report of the majority of voting members of the Committee the words, "I (or we) do not concur."

## **RULE NO. 5**

### **VOTING, ATTENDANCE, AND ABSENCE**

(a) Voting Methods. There shall be four methods of ascertaining the decision of the Council or Committees upon any matter:

1st, by a call of the roll of the voting members and a record made of the vote of each voting member. The vote on any bill or resolution shall be by roll call. In addition, upon the request of any voting member, a roll call vote shall be taken.

2nd, by voice vote;

3rd, by rising; and

4th, by unanimous consent

(b) Silent Vote. Unless a member is absent from voting, the member's silence shall be recorded as an affirmative vote for the motion. Each vote shall be recorded in the Journal and reported to the Presiding Officer, who shall announce the result to the Council or Committee.

(c) Voting Required. No member shall refrain from voting unless the member is absent or possesses a direct conflict of interest on the matter being voted on in accordance with Kaua'i County Charter Section 20.04B and Rule 8 of these Rules. The member shall make full disclosure of their conflict of interest and shall not participate in the said matter.

(d) Attendance. No member may be absent from a meeting of the Council or Committee, or from the service of the Council or the Committee, unless the member has so advised the Council Chair in the event of a Council Meeting, or the Committee Chair in the event of a Committee Meeting, prior to or during the course of the meeting.

(e) Council Absence, Tie Vote. At a Council meeting, if members are evenly divided on any main motion or if there are insufficient votes to carry any main motion because of the absence of a member, the item shall be made the special order of the day for the next regular meeting.

(f) Committee Absence, Tie Vote. At a Committee meeting, if Committee members entitled to vote are evenly divided on any main motion or if there are insufficient votes to carry any main motion because of the absence of a voting member, the item shall be automatically referred to the next agenda of the Committee for disposition.

(g) Explaining Vote; Changing Vote. Whenever the ayes and noes are called, no one, without the unanimous consent, shall be permitted to explain their vote; and after the announcement of the result, no one shall be permitted to vote or to change their vote without unanimous consent.

## **RULE NO. 6** **MOTIONS**

(a) No motion may be received and considered until the same has been seconded.

(b) After a motion is stated or read by the Presiding Officer, it is deemed in the possession of, and shall be disposed of by vote. However, any motion may be withdrawn by the movant with consent of the second at any time before a decision or amendment.

(c) Whenever any question whatsoever is under discussion, the motions relative thereto shall be:

1st, to lay on the table; (no debate)

2nd, to postpone or defer to a certain time; (no debate)

3rd, to commit or refer;

4th, to amend; or

5th, to postpone indefinitely; when a question is postponed indefinitely, the same shall not be acted upon again or revised at any subsequent meeting in the calendar year in which such question was so disposed; or

6th, to receive for the record, to receive, or to file, which means to take final action to close the file on the item;

which motions shall have precedence in the order named. The first two motions shall be decided without debate and shall be put as soon as made. The sixth motion, if made during a committee meeting, shall be considered a motion to recommend to the Council.

(d) When any of said motions is decided in the negative, the same shall not be revived at the same meeting relative to the main question under discussion. If all are negative as aforesaid, the only remaining question shall be as to the passage or adoption of the bill, resolution, or other main question. If a motion to approve or receive a matter fails in committee, no action shall be taken and the matter shall remain in committee. An affirmative vote to recommend either receipt or approval of the matter shall be taken before the recommendation of the committee is made to the Council.

(e) When any matter before the Council or Committee is postponed to a certain time, the period of postponement shall be specifically stated. If not, the matter shall be an order of business for the next Committee or Council meeting.

(f) No member may speak longer than five minutes, nor may a member speak more than twice on the same question without leave of the Presiding Officer, subject to an appeal to the body. If the member is the maker of the motion or sponsor of the matter pending, then the member may speak for up to twenty (20) minutes.

(g) Motion to Adjourn. A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

(h) Previous Question. The object of the motion for the previous question is to cut off debate. It shall always be in order and shall require a two-thirds vote to carry it. Whenever such motion prevails, the main question, subject to the order of priority, shall be put.

(i) Reconsideration. When a motion has been made and carried in the affirmative or negative, only a member who voted with the majority may move, at the same meeting or at the next regular meeting, to reconsider it and such motion shall take precedence over all other questions except a motion to adjourn; except that pursuant to the Charter, when a bill fails to pass on final reading and a motion is made to reconsider, the vote on such motion shall not be acted upon before the expiration of 24 hours.

(i) Point of Order. A Point of Order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for.

(1) When the Chair or any member thinks that the rules are being violated, the Chair or member can make a Point of Order (or "raise a question of order"), thereby calling upon the Chair for a ruling and an enforcement of the regular rules. Such question shall be decided by the Chair, without debate, subject to an appeal to the Council. In addition, the Chair may call for the sense of the body on any question of order.

(2) Whenever any person is called to order while speaking, that person shall be in possession of the floor after the question of order is decided, and may proceed with the matter under discussion within the ruling made on the question of order.

#### **RULE NO. 7** **APPEAL**

The Council or Committee may, by a majority vote, overrule the decision of the Chair upon a motion of appeal which is duly seconded.

#### **RULE NO. 8** **DISCLOSURE OF INTEREST**

Whenever a possible conflict of interest to any matter pending before the Council or any of its Committees becomes apparent to a member, the member shall promptly make a written disclosure to such body.

#### **RULE NO. 9** **PETITIONS**

Any person may petition the Council. Petitions and other matters shall be in writing, with at least the name of the petitioner signed and printed. The petition shall be disposed of by the Chair, including its referral to the proper agenda if deemed appropriate. The Chair shall notify all Councilmembers of the receipt and disposition of the petition.

**RULE NO. 10**  
**GENERAL PROVISIONS REGARDING BILLS, RESOLUTIONS,**  
**MOTIONS AND AMENDMENTS**

(a) Introduction. Any bill or resolution may be introduced by any member. The original copy of any bill or resolution shall be written, dated, and signed by the introducer; otherwise it shall not be considered.

(b) Manager. Each legislation shall have a manager. The introducer and/or appropriate Committee Chair shall serve as manager of the legislation and may delegate this function to another Councilmember. The manager shall be responsible for the management of such legislation including the securing of all pertinent information regarding the matter.

(c) Placement on Agenda. All bills and resolutions must be initialed by the Council Chair or, in the Chair's absence, the Vice Chair (or other designated chair as stated in Rule 3) in order to be placed on the agenda; provided that any bills or resolutions shall be placed on the agenda within one hundred twenty (120) days of the date of the written request by a Councilmember to the Council Chair.

(d) Amendment of Bills and Resolutions. No bill or resolution may be amended so as to change its original purpose. On the demand of at least four members, any bill shall, after amendment, be laid over for one week before its final reading. Every bill or resolution, as amended, shall be in writing before final passage.

(e) Motions and Amendments. Motions and amendments may be verbal, but shall be reduced to writing, if requested by the Presiding Officer, and shall be read by the County Clerk upon request by any member.

(f) Bill Readings. Pursuant to the Charter, bills shall be passed only after two readings on separate days. No bill shall become an ordinance unless passed on second and final reading by a majority of all Councilmembers or by at least five Councilmembers, as the case may be.

(g) Resolution Readings. Except as otherwise provided by the County Charter, resolutions shall be adopted on one reading by the affirmative vote of a majority of the entire membership of the Council.

(1) Eminent Domain Resolutions. Pursuant to the Charter, resolutions authorizing proceedings in eminent domain shall not be acted upon on the date of introduction, but shall be laid over for at least fourteen days before adoption. Such resolutions shall be advertised once in a newspaper of general circulation in the County at least fourteen days before adoption by the Council. Not less than three copies of such resolutions shall be filed for use and examination by the public in the Office of the County Clerk at least fourteen days prior to the adoption thereof.

(h) Full oral readings of bills and resolutions are hereby waived and may be by title and/or number only unless a full reading is requested by any of the members present.

(i) Publication of Bills. Bills embracing: (a) the fixing of special assessments for the costs of improvements, (b) the appropriation of public funds or the authorization for the issuance of general obligation bonds, or (c) the imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in a newspaper of general circulation in the County, with the vote noted, at least seven days before final reading by the Council. Not less than three copies of such bills shall be filed for use and examination by the public in the Office of the County Clerk at least seven days prior to the final reading thereof.

(j) Submission to Mayor. Every bill or resolution authorizing proceedings in eminent domain which shall have passed the Council and which shall have been duly authenticated, shall be presented to the Mayor for his approval. Thereafter, action on the same shall be governed by the procedure set forth in Section 4.03 of the County Charter.

## **RULE NO. 11** **CERTIFICATES**

Certificates are non-legislative in nature and are intended to recognize people or organizations for outstanding achievements, to offer thanks, to honor retirees, to offer condolences, or to support the observance of certain time periods in recognition of certain causes.

(a) These certificates are approved upon signing and require no other formal Council action.

(b) The sponsoring Councilmember shall be responsible for securing the signatures of the other Councilmembers.

(c) Any conflicts such as sponsorship, duplicate requests, or whether the subject matter should be in certificate or resolution form shall be decided by the Council Chair, subject to appeal to the Council.

**RULE NO. 12**  
**PUBLIC HEARINGS**

(a) Committee Hearings. Public hearings of Council matters initiated by or referred to a Committee shall be chaired by the Chair or Vice Chair of that Committee.

(b) Council Hearings. Public hearings initiated by the Council shall be chaired by the Chair or Vice Chair of the Council.

(c) Upon the conclusion of any public hearing, the matter shall remain within the jurisdiction of the appropriate body for amendments, recommendations or Committee disposition.

(d) Location of Hearings. All public hearings of the Council or Committees shall be held in the County Building or Lihue Civic Center or at a location designated by the Council and during normal working hours of the County, unless otherwise provided by law or majority concurrence of the Council or Committee.

(e) Conduct of Public Hearings.

(1) Public hearings are held to receive testimony from the public and Councilmembers should reserve their opinions and arguments for the appropriate Council or Committee meeting.

(2) The Council Chair or Committee Chair shall be the Presiding Officer, and shall be responsible for conducting a fair, expeditious and orderly hearing.

(3) The notice and purpose of the hearing shall be clearly stated at the beginning of each hearing.

(4) The following rules shall be read or be available for distribution by the Clerk:

(A) Persons wishing to testify are requested to register with the Clerk prior to the Chair calling the meeting to order.

(B) Persons testifying are entitled to the floor only when recognized by the presiding chair.

(C) Persons testifying may state their name, whom they represent, and shall state whether they are a registered lobbyist, in compliance with H.R.S. Chapter 97, Lobbyist.



(D) Persons testifying shall testify only on the subject matter under consideration and shall refrain from direct questioning of the Councilmembers and staff personnel and shall direct any remarks or questions to the Chair.

(E) Persons with written testimony may be given priority at the discretion of the Chair.

(F) Oral presentation shall be limited to three (3) minutes per speaker; extended time may be granted by the Chair. The Chair shall have the prerogative to set the speaking time for each speaker and may also set the order of speakers, speaking for or against any proposition, and may notify the speaker of the expiration of his speaking time, 30 seconds before such expiration. If the Chair determines that scientific, technical, or other specialized knowledge will assist the Council or Committee to understand an issue or issues relating to an agenda item and the person offering the testimony is off island and unavailable to attend the meeting, the Chair may allow the person to testify via teleconferencing or videoconferencing. The Chair's determination as to the person's knowledge or unavailability shall be subject to appeal as provided in Rule 7.

(G) Members of the public shall be allowed to speak a second time on the same question or subject. Such speakers shall be allowed an additional three (3) minutes to present testimony. After all such speakers have testified, the Chair may allow an additional four (4) minutes to conclude the testimony.

(H) The Chair shall grant to persons who have not registered, time to speak following the registered speakers after their first speaking opportunity, in same manner as registered speakers.

(I) Speakers shall restrict themselves to the issues and avoid personalities.

(J) The Chair may restrict or terminate a speaker's right to the floor for intemperate or abusive behavior or language.

### **RULE NO. 13**

### **ORDER AND DECORUM**

(a) No person shall sit at the desk of the Presiding Officer of the Council or County Clerk, except by permission of the Presiding Officer, or at the desk of any Councilmember, except by permission of that Councilmember.

(b) While the Presiding Officer is putting any question or addressing the body, or when a member is speaking, no one shall entertain a private discourse, nor while a member is speaking shall anyone pass between that Councilmember and the Chair.

(c) A member about to speak shall address the Chair, with any remarks confined to the question under discussion while avoiding personalities.

(d) No unauthorized person shall enter the floor of the Council or Committee except by permission of the Presiding Officer.

(e) At the beginning of the agenda of any Council meeting or committee meeting, members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. During the eighteen-minute period, councilmembers shall not address the public speaker. After the conclusion of the eighteen minutes, members of the public shall be allowed to speak at Council and Committee meetings pursuant to Rule 12(e), 'Conduct of Public Hearings'.

#### **RULE NO. 14** **ORDER OF BUSINESS**

After roll call and the approval of the minutes, the Presiding Officer shall call for business in the following order:

(a) Public speaking per Rule 13(e);

(b) Consent calendar;

(c) Messages from the Mayor;

(d) Reports and communications from County officers;

(e) Petitions, memorials, and communications;

(f) Reports of Standing Committees;

(g) Reports of Other Committees;

(h) Introduction of bills and resolutions;

(i) Unfinished business;

(j) Order of the Day, including adoption of resolutions and second reading of bills;

(k) Miscellaneous business;

(l) Public hearings may be held at the time set in previous meetings of Council.

## **RULE NO. 15**

### **AGENDA AND PRIORITY OF BUSINESS**

(a) All communications submitted to the Council shall be time-stamped upon receipt and presented to the Council Chair for disposition.

(b) The Council Chair shall have the discretion to schedule items to manage the business of the Council's agenda. All communications to be placed on the agenda must be initialed by the Council Chair and received by the Council or the Office of the County Clerk before 4:30 p.m. on the Friday two weeks preceding the day of the regular or Committee meeting. Communications by a Councilmember shall be placed on the agenda within one hundred twenty (120) days of the date of the written request by a Councilmember to the Council Chair.

(c) The Council may place on the regular Council meeting agenda a consent calendar of items that may be approved without presentations, clarifying questions, or debate. All items on the consent calendar may be approved by a single motion. A member may request that an item be removed from the consent calendar for discussion and separate action. Any item so removed shall be considered after the vote upon the consent calendar. The Council Chair may determine the most appropriate place on the agenda for the removed item.

(d) The Clerk shall prepare and post an agenda for all meetings of the Council and its Committees in compliance with the provisions of Chapter 92, H.R.S. Notices and agendas for all regular, standing committee, special and executive session meetings shall be posted on the County of Kaua'i's website. Failure to post notices and agendas on the County of Kaua'i's website shall not invalidate any action taken by the Council or its committees if the notice or agenda was given or posted in accordance with Chapter 92, H.R.S.

(e) Pursuant to Chapter 92, H.R.S., the Council or Committees shall not change the agenda, once filed, by adding items thereto without a two-thirds recorded vote of all members to which the body is entitled; provided that no item shall be added to the agenda in the manner provided herein if it is of reasonably major importance and action thereon by the body will affect a significant number of persons.

(f) The Council may, by previous motion, direct that any matter shall be made a special order of business, which shall take precedence of all business after the fifth order, or that it shall take any other position lower down on the calendar.

(g) The unfinished business in which the Council was engaged at the time of the last adjournment shall have preference in the Order of the Day, and no

business shall be received until such unfinished business is disposed or, unless by special leave of the Council.

(h) All questions relating to the priority of business to be acted upon by the Council or Committee shall be decided without debate.

#### **RULE NO. 16** **MINUTES**

(a) Pursuant to Section 92-9, Hawaii Revised Statutes, written minutes of all meetings and public hearings shall be kept.

(b) The written minutes shall give a true reflection of the matters discussed and the views of the participants.

(c) A full, verbatim transcript is not required, unless requested by a Councilmember prior to the meeting or public hearing.

(d) Upon approval of the written minutes, the tape recording shall be erased.

#### **RULE NO. 17** **RESTRICTION ON EMPLOYMENT OF RELATIVES**

(a) A public officer of the legislative branch of County government may not participate in the decision to appoint, employ, promote or advance; or advocate for the appointment, employment, promotion, or advancement in or to an appointed, non-civil service position in the legislative branch of County government any individual who is his or her relative or domestic partner, or is a relative or a relative of a domestic partner of any public officer.

(b) For the purpose of this rule, "relative" means an individual who is related to a public officer of the legislative branch of County government as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(c) For the purpose of this rule, "domestic partner" means an adult, unrelated by blood, with whom a public officer: (1) has an exclusive committed relationship, (2) maintains a mutual residence, and (3) shares the cost of basic living expenses. A "relative of a domestic partner" means the father, mother, brother, sister, son, or daughter of the domestic partner of a public officer.

(d) For the purpose of this rule, "public officer" shall mean members of the Council, the County Clerk and the County Auditor.

(e) This rule shall not apply to individuals appointed, employed, promoted, or advanced prior to the effective date of this rule.

**RULE NO. 18**  
**COMMUNICATIONS WITH THE COUNTY ATTORNEY**

Requests for opinions as to questions of law made by individual councilmembers to the County Attorney and such opinions received pursuant to those requests shall be confidential communications between the councilmember making the request and the County Attorney if the subject matter of the request and opinion have not been placed on a Council agenda. If the subject matter of the opinion as to questions of law and the request has been placed on a Council agenda, then the request for such opinion and the opinion received pursuant to that request shall be circulated concurrently to other councilmembers but shall remain confidential communications with regard to other parties.

**RULE NO. 19**  
**NEWS REPORTERS**

News reporters wishing to take notes of the business of the Council may be assigned such places by the Presiding Officer as will effect their object without interfering with the convenience of the Council or its Committees.

**RULE NO. 20**  
**NEW RULES AND AMENDMENTS**

No rule of the Council may be altered or rescinded nor may any new rule be adopted without the affirmative vote of at least four Councilmembers. All amendments shall be by resolution.

**RULE NO. 21**  
**SUSPENSION OF THE RULES**

None of these rules may be suspended, except by the affirmative vote of at least five Councilmembers.

**RULE NO. 22**  
**WHEN RULES ARE SILENT**

The rules of parliamentary practice as laid down by the current edition of "Robert's Rules of Order, Newly Revised," shall govern the Council where the same are not inconsistent with these rules.

(December 1, 2014)

**FLOOR AMENDMENT**

Resolution No. 2015-02, Resolution Adopting The Rules Of The Council Of The County Of Kaua'i For The Organization Of Committees And The Transaction Of Business

Introduced by: JOANN A. YUKIMURA

1. Amend the attachment titled "Rules of the Council of the County of Kaua'i" to Resolution No. 2015-02 as attached hereto.

(Material to be deleted is bracketed. New material to be added is underscored.)

# RULES OF THE COUNCIL OF THE COUNTY OF KAUAI

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**RULE NO. 1  
MEETINGS**

**(a) Recommended Procedure for Initial Convening of the Council.**

(1) When the time specified by law arrives for the first convening of the newly elected Council, the Mayor, as the temporary Chair, shall call the Councilmembers-elect to order and shall appoint a temporary clerk.

(2) The Mayor, as the temporary Chair, shall appoint a Credentials Committee of not less than three members. The Credentials Committee shall immediately examine the credentials of the members elected. If the credentials are in order, the Credentials Committee shall so report and the oath of office shall be administered to the Councilmembers-elect by someone duly qualified to administer oaths.

(3) The oath having been administered, the Council shall then elect a Chair and Vice Chair as provided by Section 3.07 of the Charter of the County of Kaua'i.

(4) The Chairperson shall assume the chair of the Presiding Officer immediately after being elected and the Council shall then appoint the County Clerk, adopt the Rules of the Council, and appoint the Chairperson, Vice Chairperson, and members of the several Standing Committees by resolution.

**(b) Regular Council Meetings; Relocation.** Regular meetings of the Council shall be held in the Historic County Building or Lihu'e Civic Center in Lihu'e, County of Kaua'i, State of Hawai'i, or at a location designated by the Council, at 9:00 a.m. or other time designated by the Council, at least twice a month on a Wednesday, or on such day as the Council may designate. The Council by majority concurrence of its members may designate other locations, days, or times for its meetings.

**(c) Standing Committee Meetings.** When Standing Committees meet, they shall meet on Wednesday in the week after the regular meeting date, or on such other day if such Wednesday is untimely. The Public Works / Parks & Recreation Committee shall convene first, followed by the Public Safety Committee, the Housing & Transportation Committee, the Planning Committee, the Economic Development & Intergovernmental Relations Committee, the Budget & Finance Committee, and the Committee of the Whole.

**(d) Special Meetings.** Pursuant to the Charter and Chapter 92, Hawai'i Revised Statutes, special meetings may be called at any time by the Mayor, the Chair, or by five or more members of the Council. Written public notice shall be given as required by Chapter 92, Hawai'i Revised Statutes.



(e) **Executive Sessions.** All Council and Council Committee meetings shall be open to the public, except as provided by the Charter or Chapter 92, Hawai'i Revised Statutes. The Council or Council Committee may hold an executive session closed to the public pursuant to Section 92-4, Hawai'i Revised Statutes, upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the Council, for one or more of the following purposes:

(1) To consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;

(2) To deliberate concerning the authority of persons designated by the Council to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;

(3) To consult with the Council's attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and liabilities;

(4) To investigate proceedings regarding criminal misconduct;

(5) To consider sensitive matters related to public safety or security;

(6) To consider matters relating to the solicitation and acceptance of private donations; and

(7) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.

(f) **Emergency Meetings.** If the Council finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in Chapter 92, Hawai'i Revised Statutes, the Council may hold an emergency meeting, provided that:

(1) The Council states in writing the reasons for its findings;

(2) Two-thirds of all members agree that the findings are correct and an emergency exists;

(3) An emergency agenda and the findings are filed with the Office of the County Clerk; and

(4) Persons requesting notification are contacted by mail or telephone as soon as practicable.

“Emergency” is generally confined to natural disasters where immediate relief is needed for the public.

(g) **Workshops.** The Council Chair or Committee Chairs[, with the approval of the Council Chair,] may schedule workshops to encourage increased dialogue among county representatives, technical experts, and the general public regarding a subject under the jurisdiction of the county or of great concern to the county [bill or resolution that is pending on the Council’s or the Committee’s agenda]. The Council Chair or Committee Chair, as the case may be, shall prepare the agenda and facilitate the meeting. Written public notice shall be given as required by Chapter 92, Hawai’i Revised Statutes. The workshop agenda may include the introduction of participants, presentations, and discussion of critical issues subject to the jurisdiction of the county or of great concern to the county and related to the subject matter of the committee [relating to a bill or resolution before the Council or Committee].

(h) **Adjournment.** The Council or Committee Chair may adjourn the meeting at any time unless the majority of the members present at the Council or Committee meeting object. Every adjournment shall be deemed to be to the next regular meeting of the body.

## RULE NO. 2 QUORUM AND VOTE: EXCEPTIONS LISTED

(a) **Council.** A physical majority [(4)] of the entire membership of the Council (4) shall constitute a quorum and the affirmative vote of the majority (4) of the entire membership shall be necessary to take any action; provided, that an affirmative vote of at least two-thirds (5) of the Council shall be required for the following:

- (1) To authorize the issuance of general obligation bonds;
- (2) To override the Mayor’s veto;
- (3) To suspend without pay for not more than one month any member for disorderly or contemptuous behavior or for personal vilification in its presence;
- (4) To authorize, after consultation with the County Attorney, the public release of opinions upon questions of law rendered by the Office of the County Attorney that have been requested by the Council;
- (5) To hold an emergency meeting; and
- (6) To authorize the employment of special counsel.

(b) **Absence of Council Quorum.** In the absence of a physical quorum during any official meeting of the Council, the Council shall:

- (1) Recess its meeting to seek out a quorum; or
- (2) Adjourn its meeting for lack of a quorum to a specified time and place.

(c) **Committee.** A physical majority of the membership of a Committee shall constitute a quorum, and the affirmative vote of a majority of the membership entitled to vote shall be necessary to take any action.

(d) **Absence of a Committee Quorum.** In the absence of a physical quorum during any official meeting of the Committee, the Committee shall:

- (1) Recess its meeting to seek out a quorum; or
- (2) Adjourn its meeting for lack of a quorum to a specified time and place.

### RULE NO. 3 OFFICERS AND THEIR DUTIES

(a) **Council Chair.** The Chair shall be the Presiding Officer of the Council. In the absence or disability of the Chair, the Vice Chair shall act as the Presiding Officer. In the event of the absence or disability of both the Chair and Vice Chair, the Chair of the Economic Development & Intergovernmental Relations Committee shall act as the Presiding Officer. In his or her absence or disability, the Chair of the Housing & Transportation Committee shall act as the Presiding Officer.

It shall be the duty of the Presiding Officer:

- (1) To open all meetings of the Council at the appointed hours by taking the Chair and calling the Council to order;
- (2) To call for the approval of the minutes of the preceding meeting(s) when a quorum shall be present;
- (3) To maintain order and proper decorum;
- (4) To announce the business before the Council in the order prescribed by these rules;
- (5) To receive and to determine for disposition all matters properly brought before the Council, to call for votes upon the same, and to announce the results;

(6) To authenticate by signature all acts of the Council as may be required by law;

(7) To make known all Rules of Order when so requested and to decide all questions of order, subject to an appeal to the Council;

(8) To announce the result on any matter voted on by the Council, and in case of a tie vote, to order that the matter be made the special order of the day for the next regular meeting;

(9) To act as the Council's liaison in dealing with the Clerk's Office functions; to provide for the coordination of all administrative activities in the legislative branch and the Clerk's and Auditor's offices to see that they are honestly, efficiently, and lawfully conducted; to sign all instruments requiring execution or agreement by the Council; to act as chief procurement officer of the legislative branch pursuant to Chapter 103D, Hawai'i Revised Statutes; and to perform such other duties as may be required by law, or such as may properly appertain to such office;

(10) To approve Councilmembers' travel requests;

(11) To receive all reports, communications, bills, resolutions, and other items addressed to the Council from the public, the Mayor, various governmental agencies or departments, and individual Councilmembers, and immediately make the proper referrals of these matters to the Council or to the appropriate Committee Chairperson(s). All communications addressed to the Council shall be numbered and made available to the public upon request, except as otherwise provided by law; and

(12) To hold a Chair's meeting, as needed, with the Clerk or Council Services staff, to informally discuss scheduling, operational, or procedural matters, that are within the decision-making authority of the Chair[,] and that do not require Council approval. Any Councilmember may attend any such meetings.

(b) **Council Vice Chair.** It shall be the duty of the Vice Chair to assume the duties of the Chair in the Chair's absence and perform other duties as may be assigned by the Chair.

(c) **Committee Chair.** The Chair of each Committee may call any meetings or hearings of the Committee, and shall preside at such meetings or hearings. The Vice Chair of the Committee shall perform the duties of a Committee Chairperson who is absent.

(d) **County Clerk.** It shall be the duty of the County Clerk or an authorized representative, in addition to those duties prescribed by law:

## Attachment 2

(1) To read bills, resolutions, and other matters to the Council, if so required;

(2) To forward at once to the proper parties all communications and other matters, either directly or through a Committee, as the case may be;

(3) To deliver to the appropriate Committee all petitions, resolutions, bills, or other matters, as may be duly referred to such Committee;

(4) To note all questions of order with the decision thereon, collect the same together and append them to the minutes;

(5) To make a list of all bills, resolutions, petitions, communications, and other matters set for consideration on particular dates;

(6) To have charge of all records of the Council and be responsible for same;

(7) To be responsible for the administration of the Office of the County Clerk;

(8) To advertise digests of all bills passed on first reading in accordance with law;

(9) To enter objections of the Mayor in the minutes of the Council upon receipt of bills vetoed and place such objections related to bills on the agenda as directed by the Chair;

(10) To certify ordinances; and

(11) To serve in all matters as Clerk of the Council and to perform all clerical duties and offices pertaining to such position as the Council shall from time to time direct, as well as other duties as shall by law or these rules, or rules hereafter adopted, be assigned to the Clerk, or such as properly pertain to such position.

### **RULE NO. 4 COMMITTEES**

There shall be four kinds of Committees; namely, (a) Standing Committees; (b) Joint Committees; (c) Sub-Committees; and (d) Special Advisory Committees.

(a) **Standing Committees.** There shall be seven (7) Standing Committees consisting of both five (5) voting members and two (2) ex-officio members, except for the Committee of the Whole and the Budget & Finance Committee, which shall consist of seven (7) voting members. Ex-officio members of a Committee shall have a voice, but no vote, in all Committee proceedings, and

are not counted in determining the number required for a quorum or whether a quorum is present. Ex-officio members shall also not have a right to make motions. The purpose of the Standing Committees is to provide well-considered recommendations to the Council on all bills, resolutions, and other matters referred to the Standing Committee by the Council.

(1) **A Committee on Public Works / Parks & Recreation** consisting of five (5) voting members and two (2) ex-officio members. The Public Works / Parks & Recreation Committee shall consider all matters pertaining to highways and roads, utilities, solid waste, wastewater, buildings under the jurisdiction of the County, baseyards, parks, beaches, recreational areas, stadiums, Neighborhood Centers, Kaua'i War Memorial Convention Hall and the services provided, all recreational facilities, Wailua Golf Course, promotion and initiation of recreational programs and events, youth and elderly recreational programs, and legislation relating to the Committee.

(2) **A Committee on Public Safety** consisting of five (5) voting members and two (2) ex-officio members. The Public Safety Committee shall consider all matters pertaining to Police, Fire, the Office of the Prosecuting Attorney, Civil Defense, Liquor Control, legal issues relating to public safety, and legislation relating to the Committee.

(3) **A Committee on Housing & Transportation** consisting of five (5) voting members and two (2) ex-officio members. The Housing & Transportation Committee shall consider all matters pertaining to housing, public transportation, and legislation relating to the Committee.

(4) **A Committee on Planning** consisting of five (5) voting members and two (2) ex-officio members. The Planning Committee shall consider all matters pertaining to land use, the General Plan, zoning, shoreline protection, subdivision controls, environmental concerns, historic preservation, water department, and legislation relating to the Committee.

(5) **A Committee on Economic Development & Intergovernmental Relations** consisting of five (5) voting members and two (2) ex-officio members. The Economic Development & Intergovernmental Relations Committee shall consider all matters relating to economic development programs and initiatives relating to tourism, the visitor industry, military, small business development, employment, sports and recreation development, culture and the arts development, economic development promotional efforts, sustainability, agriculture, food, energy, other economic development areas, the Hawai'i State Association of Counties (HSAC), the National Association of Counties (NACo), and legislation relating to the Committee.

(6) **A Committee on Budget & Finance** consisting of seven (7) voting members. The Budget & Finance Committee shall consider all matters pertaining to finances, revenues, taxes, real property tax, preparation of the annual County Operating and Capital Improvement Projects (CIP) budgets, budget amendments, and legislation relating to the Committee.

(7) **A Committee of the Whole** consisting of all members of the Council. The Committee of the Whole shall consider all matters pertaining to establishment of new Committees, policies of the Council, goals and objectives of the Council and its Committees, rules of the Council, screening of questions of ethics, internal matters dealing with the Council and the Office of the County Clerk, charter amendments, all issues involving the Office of the County Auditor, the Department of Human Resources, Elderly Affairs, appointments to boards and commissions, and legislation relating to the Committee.

(b) **Joint Committees.** The Council may, through motion duly adopted, refer items to Joint Committees. Such referral shall be sufficient to establish such Joint Committees. Such Joint Committees shall consist of any combination of Standing Committees and shall be presided over by the Chair of the first named Standing Committee. Such Joint Committees shall meet and report on all matters referred to them in the same manner as Standing Committees.

(c) **Sub-Committees.** Sub-Committees shall report to a Standing Committee from time to time as the occasion requires, serving until discharged after final reporting on the special matter referred to it.

(d) **Special Advisory Committees.** Special Advisory Committees may be created as needed by the Council.

(1) A Special Advisory Committee shall consist of at least one Councilmember and may include members from the private and non-profit sectors, and representatives from other political subdivisions and other government agencies.

(2) Special Advisory Committees shall engage in fact finding and evaluation of issues, and shall make recommendations with regard to these issues. To avoid duplication, only one Special Advisory Committee may be appointed to study and evaluate an issue.

(3) All communications from a Special Advisory Committee shall be made to the Council.

(4) Special Advisory Committees shall serve until discharged via motion by the Council.

(e) **Formation by Resolution.** Sub-Committees and Special Advisory Committees shall be established by resolution, which shall state:

- (1) The purpose of the Committee;
- (2) The members of the Committee;
- (3) The Committee's scope of work; and
- (4) The timetable under which the Committee will complete its work.

(f) **Committee Reports.** Committees shall report from time to time upon all matters referred to them.

(1) Whenever any matter shall be referred to a Committee it shall be the duty of such Committee to make diligent inquiry into all of the facts and circumstances connected with such matter. If necessary, the County Attorney may be consulted, witnesses may be summoned and examined, documents and records searched, and everything done to bring all facts pertaining to such matter before the Council.

(2) The report of a Committee on a bill or resolution shall state clearly the amendments, if any, proposed. If an amended bill or resolution shall be reported in place of the one referred to such Committee, the same must agree with the subject of the one submitted and returned to the Council.

(3) Whenever a Committee fails to agree, the majority of voting members shall report and the same shall be the report of the Committee. The minority of voting members of the Committee may file a separate report or simply note on the report of the majority of voting members of the Committee the words, "I (or we) do not concur."

## RULE NO. 5 VOTING, ATTENDANCE, AND ABSENCE

(a) **Voting Methods.** There shall be four methods of ascertaining the decision of the Council or Committees upon any matter:

1st, by a call of the roll of the voting members and a record made of the vote of each voting member. The vote on any bill or resolution shall be by roll call. In addition, upon the request of any voting member, a roll call vote shall be taken;

2nd, by voice vote;

3rd, by rising; and

4th, by unanimous consent.



(b) **Silent Vote.** Unless a member is recused or formally excused or recused pursuant to Rule Nos. 5(c) or 5(d), respectively, the member's silence shall be recorded as an affirmative vote for the motion. Each vote shall be recorded in the minutes and reported to the Presiding Officer, who shall announce the result to the Council or Committee.

(c) **Voting Required.** No member shall refrain from voting unless the member is absent or possesses a direct conflict of interest on the matter being voted on in accordance with Charter Section 20.04B and Rule No. 8 of these Rules. The member shall make full disclosure of the member's conflict of interest, shall not participate in said matter, and shall be deemed recused.

(d) **Attendance.** No member may be absent from a meeting of the Council or a Committee, or from the service of the Council or the Committee, unless the member has so advised the Council Chair in the event of a Council Meeting, or the Committee Chair in the event of a Committee Meeting, prior to or during the course of the meeting, and has been deemed excused by the respective Chair.

(e) **Council Absence.** At a Council meeting, if members are evenly divided on any main motion or if there are insufficient votes to carry any main motion because of the absence of a member, the item shall be made the special order of the day for the next regular Council meeting.

(f) **Committee Absence.** At a Committee meeting, if Committee members entitled to vote are evenly divided on any main motion, or if there are insufficient votes to carry any main motion, because of the absence of a voting member, the item shall be referred to the next agenda of the Committee for disposition.

(g) **Explaining Vote; Changing Vote.** Whenever the ayes and noes are called, no one, without the unanimous consent of the members present, shall be permitted to explain their vote; and after the announcement of the result, no one shall be permitted to vote or to change their vote without unanimous consent.

## **RULE NO. 6**

### **MOTIONS**

(a) No motion may be considered until the same has been seconded.

(b) After a motion is stated or read by the Presiding Officer, it is deemed in the possession of the body, and shall be disposed of by vote. However, any motion may be withdrawn by the movant with consent of the second at any time before a decision or amendment.

(c) Whenever any question whatsoever is under discussion, the motions relative thereto shall be:

1st, to lay on the table; (no debate)

2nd, to postpone or defer to a certain time; (no debate)

3rd, to commit or refer;

4th, to amend; or

5th, to postpone indefinitely; when a question is postponed indefinitely, the same shall not be acted upon again or revised at any subsequent meeting in the calendar year in which such question was so disposed.

The motions shall have precedence in the order named. The first two motions shall be decided without debate and shall be put as soon as made.

(d) When any of said motions are decided in the negative, the same shall not be revived at the same meeting relative to the main question under discussion. If all are negative as aforesaid, the only remaining question shall be as to the approval or receipt of the bill, resolution, or other main question. If a motion to approve a matter fails in Committee, the recommendation to the Council shall be to receive the matter. If a motion to receive fails in Committee, then the matter shall remain in Committee and shall be placed on the agenda for the next Committee meeting. An affirmative vote to recommend either receipt or approval of the matter [shall be taken] must be achieved before the recommendation of the Committee [is made] moves to the Council.

(e) When any matter before the Council or Committee is postponed or deferred to a certain time, the period of postponement or deferral shall be specifically stated. If not, the matter shall be an order of business for the next Committee or Council meeting.

(f) No member may speak longer than a total of five (5) minutes each time the member speaks on the same agenda item. A member may not speak more than twice on the same question without leave of the Presiding Officer, subject to an appeal to the body. The member or members introducing the matter shall have a combined total of twenty (20) minutes to speak during the initial introduction of the matter.

(g) **Motion to Adjourn.** A motion to adjourn is always in order and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

(h) **Call For The Question.** The object of the motion to call for the question is to cut off debate. It shall always be in order and shall require a two-thirds vote of the members present to carry it. Whenever such motion prevails, the main question, subject to the order of priority, shall be put.

(i) **Reconsideration.** When a motion has been made and carried in the affirmative or negative, only a member who voted with the majority may move, at the same meeting or at the next regular meeting, to reconsider it and such motion shall take precedence over all other questions except a motion to adjourn; except that pursuant to the Charter, when a bill fails to pass on final reading and a motion is made to reconsider, the vote on such motion shall not be acted upon before the expiration of 24 hours.

(j) **Point of Order.** A point of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for.

(1) When the Chair or any member thinks that the rules are being violated, the Chair or member can raise a point of order (or "raise a question of order"), thereby calling upon the Chair for a ruling and an enforcement of the rules. Such question shall be decided by the Chair, without debate, subject to an appeal to the Council. In addition, the Chair may call for the sense of the body on any point of order.

(2) Whenever any person is called to order while speaking, that person shall be in possession of the floor after the point of order is decided, and may proceed with the matter under discussion within the ruling made on the point of order.

#### **RULE NO. 7 APPEAL**

The Council or Committee may, by a majority vote, overrule the decision of the Chair upon a motion of appeal which is duly seconded.

#### **RULE NO. 8 DISCLOSURE OF INTEREST**

Whenever a possible conflict of interest regarding any matter pending before the Council or any of its Committees becomes apparent to a member, the member shall promptly make a written disclosure to such body.

#### **RULE NO. 9 GENERAL PROVISIONS REGARDING BILLS, RESOLUTIONS, MOTIONS, AND AMENDMENTS**

(a) **Introduction.** Any bill or resolution may be introduced by any member. The original copy of any bill or resolution shall be written, dated, and signed by the introducer; otherwise it shall not be considered.

## Attachment 2

(b) **Manager.** Each legislation shall have a manager. The introducer and/or appropriate Committee Chair shall serve as manager of the legislation and may delegate this function to another Councilmember. The manager shall be responsible for the management of such legislation including the securing of all pertinent information regarding the matter.

(c) **Placement on Agenda.** All bills and resolutions must be initialed by the Council Chair or, in the Chair's absence, the Vice Chair (or other designated chair as stated in Rule No. 3) in order to be placed on the agenda; provided that any bill or resolution shall be placed on the agenda within one hundred twenty (120) days of the date of the written request by a Councilmember to the Council Chair unless the County Attorney has opined that the bill is legally insufficient.

(d) **Amendment of Bills and Resolutions.** No bill or resolution may be amended so as to change its original purpose. Every bill or resolution, as amended, shall be in writing before final passage.

(e) **Motions and Amendments.** Motions and amendments may be verbal, but shall be reduced to writing, if requested by the Presiding Officer, and shall be read by the County Clerk upon request by any member.

(f) **Bill Readings.** Pursuant to the Charter, bills shall be passed only after two readings on separate days. No bill shall become an ordinance unless passed on second and final reading by a majority of all Councilmembers (4), or by at least five (5) Councilmembers, when so required.

(g) **Resolution Readings.** Except as otherwise provided by the Charter, resolutions shall be adopted on one reading by the affirmative vote of a majority of the entire membership of the Council.

(1) **Eminent Domain Resolutions.** Pursuant to the Charter, resolutions authorizing proceedings in eminent domain shall not be acted upon on the date of introduction, but shall be laid over for at least fourteen (14) days before adoption. Such resolutions shall be advertised once in a newspaper of general circulation in the County at least fourteen (14) days before adoption by the Council. Not less than three (3) copies of such resolutions shall be filed for use and examination by the public in the Office of the County Clerk at least fourteen (14) days prior to the adoption thereof.

(h) **Full Readings Waived.** Full oral readings of bills and resolutions are hereby waived and may be by title and/or number only unless a full reading is requested by any of the members present.

(i) **Publication of Bills.** Bills embracing: (1) the fixing of special assessments for the costs of improvements, (2) the appropriation of public funds or the authorization for the issuance of general obligation bonds, or (3) the imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in a newspaper of general circulation in the County, with the vote noted, at least seven days before final reading by the Council. Not less than three copies of such bills shall be filed for use and examination by the public in the Office of the County Clerk at least seven days prior to the final reading thereof.

(j) **Submission to Mayor.** Every bill, or resolution authorizing proceedings in eminent domain, which shall have passed the Council and which shall have been duly authenticated, shall be presented to the Mayor for approval. Thereafter, action on the same shall be governed by the procedure set forth in Section 4.03 of the Charter.

#### **RULE NO. 10 CERTIFICATES**

Certificates are non-legislative in nature and are intended to recognize people or organizations for outstanding achievements, to offer thanks, to honor retirees, to offer condolences, or to support the observance of certain time periods in recognition of certain causes.

(a) These certificates are approved upon signing and require no other formal Council action.

(b) The sponsoring Councilmember shall be responsible for securing the signatures of the other Councilmembers.

(c) Any conflicts such as sponsorship, duplicate requests, or whether the subject matter should be in certificate or resolution form shall be decided by the Council Chair, subject to appeal to the Council.

#### **RULE NO. 11 TESTIMONY**

(a) At a Council or Committee meeting, or at a public hearing, written or oral testimony shall be accepted.

(b) **Written testimony.** Written testimony shall be received for the record on any agenda item. The proponent shall provide fifteen (15) copies of the testimony to the Clerk for distribution to the Council and staff.

(c) **Oral testimony.**

(1) Persons wishing to testify are requested to register with the Clerk prior to the Chair calling the meeting to order.

(2) Persons testifying are entitled to the floor only when recognized by the Chair.

(3) Persons testifying may state their name, whom they represent, and shall state whether they are a registered lobbyist, in compliance with Chapter 97, Hawai'i Revised Statutes.

(4) Persons testifying shall testify only on the subject matter under consideration, and shall refrain from direct questioning of the Councilmembers and staff personnel, and shall direct any remarks or questions to the Chair.

(5) Persons with written testimony may be given priority at the discretion of the Chair.

(6) Oral testimony shall be limited to three (3) minutes per person. The Chair shall have the prerogative to set the order of speakers, speaking for or against any proposition, and may notify the speaker of the expiration of speaking time 30 seconds before such expiration. The Chair may allow an additional three (3) minutes to provide further testimony after all persons have had an opportunity to speak.

(7) The Chair shall grant to persons who have not registered time to speak following the registered speakers in same manner as registered speakers.

(8) Speakers shall restrict themselves to the issues and avoid personalities.

(9) The Chair may restrict or terminate a speaker's right to the floor for intemperate or abusive behavior or language.

(d) At the beginning of the agenda of any Council meeting or Committee meeting, members of the public shall be allowed a total of thirty (30) minutes on a first come, first served basis to speak on any agenda item(s). Each speaker shall be limited to a total of three (3) minutes at the discretion of the Chair to discuss the agenda item(s) and shall not be allowed additional time to speak during the meeting. During the thirty-minute period, Councilmembers shall not address the public speaker. After the conclusion of the thirty minutes, members of the public shall be allowed to speak at Council and Committee meetings pursuant to Rule 11(c).

**RULE NO. 12  
PUBLIC HEARINGS**

(a) **Committee Hearings.** Public hearings of Council matters initiated by or referred to a Committee shall be chaired by the Chair or Vice Chair of that Committee.

(b) **Council Hearings.** Public hearings initiated by the Council shall be chaired by the Chair or Vice Chair of the Council, or by the respective Chair or Vice Chair of the Committee to which the matter has been referred.

(c) **Action Following Public Hearings.** Upon the conclusion of any public hearing, the matter shall remain within the jurisdiction of the appropriate body for amendments, recommendations, or disposition.

(d) **Location of Hearings.** All public hearings of the Council or Committees shall be held in the Historic County Building or Līhu'e Civic Center or at a location designated by the Council and during normal working hours of the County, unless otherwise provided by law or majority concurrence of the Council or Committee.

(e) **Conduct of Public Hearings.**

(1) Public hearings are held to receive testimony from the public. Councilmembers shall reserve their opinions, questions, and arguments for the appropriate Council or Committee meeting; except that Councilmembers may ask clarifying questions that enable the Council to better understand the point or position of the speaker.

(2) The Council Chair or Committee Chair shall be the Presiding Officer, and shall be responsible for conducting a fair, expeditious, and orderly hearing.

(3) The notice and purpose of the hearing shall be clearly stated at the beginning of each hearing.

**RULE NO. 13  
ORDER AND DECORUM**

(a) No person shall sit at the desk of the Presiding Officer of the Council or County Clerk, except by permission of the Presiding Officer, or at the desk of any Councilmember, except by permission of that Councilmember.

(b) While the Presiding Officer is putting any question or addressing the body, or when a member is speaking, no one shall entertain a private discourse, nor while a member is speaking shall anyone pass between that Councilmember and the Chair.

(c) When speaking, a Councilmember shall address the Chair, with any remarks confined to the question under discussion while avoiding personalities.

(d) No unauthorized person shall enter the floor of the Council or Committee except by permission of the Presiding Officer.

**RULE NO. 14  
ORDER OF BUSINESS FOR COUNCIL MEETINGS**

After roll call, and the approval of the agenda and minutes, the Presiding Officer shall call for business in the following order:

- (a) Public Comment and Consent calendar;
- (b) Items made the special order of the day;
- (c) Messages from the Mayor;
- (d) Reports and communications from County officers;
- (e) Reports and communications from non-County parties;
- (f) Reports of Standing Committees;
- (g) Reports of Other Committees;
- (h) Introduction of bills and resolutions;
- (i) Unfinished business;
- (j) Order of the Day, including adoption of resolutions and second reading of bills;
- (k) Miscellaneous business;
- (l) Public hearings may be held at the time set in previous meetings of Council.

**RULE NO. 15  
AGENDA AND PRIORITY OF BUSINESS**

(a) All communications submitted to the Council shall be time-stamped upon receipt and presented to the Council Chair for disposition.



(b) The Council Chair shall have the discretion to schedule items to manage the business of the Council's agenda. All communications to be placed on the agenda must be initialed by the Council Chair and received by the Council or the Office of the County Clerk before 4:30 p.m. on the Friday two weeks preceding the day of the regular or Committee meeting, unless otherwise allowed by the Council Chair. Communications by a Councilmember shall be placed on the agenda within one hundred twenty (120) days of the date of the written request by a Councilmember to the Council Chair unless otherwise advised in writing by the County Attorney.

(c) The Council may place on the regular Council meeting agenda a consent calendar of items that may be received without presentations, clarifying questions, or debate. All items on the consent calendar may be received by a single motion. A member may request that an item be removed from the consent calendar for discussion and separate action. Any item so removed shall be considered after the vote upon the consent calendar. The Council Chair shall determine the most appropriate place on the agenda for the removed item.

(d) The Clerk shall prepare and post an agenda for all meetings of the Council and its Committees in compliance with the provisions of Chapter 92, Hawai'i Revised Statutes. Notices and agendas for all regular, Standing Committee, special, and executive session meetings shall be posted on the County of Kaua'i's website. Failure to post notices and agendas on the County of Kaua'i's website shall not invalidate any action taken by the Council or its Committees if the notice or agenda was given or posted in accordance with Chapter 92, Hawai'i Revised Statutes.

(e) Pursuant to Chapter 92, Hawai'i Revised Statutes, the Council or Committees shall not change the agenda, once filed, by adding items thereto without a two-thirds recorded vote of all members to which the body is entitled; provided that no item shall be added to the agenda in the manner provided herein if it is of reasonably major importance and action thereon by the body will affect a significant number of persons.

(f) The Council Chair may direct that any matter shall be made a special order of business.

(g) All questions relating to the priority of business are to be acted upon by the Council Chair or Committee Chair, and shall be decided without debate.

## **RULE NO. 16 MINUTES**

(a) Pursuant to Section 92-9, Hawai'i Revised Statutes, written minutes of all meetings and public hearings shall be kept.

(b) The written minutes shall give a true reflection of the matters discussed and the views of the participants.

(c) A full, verbatim transcript is not required, unless requested by a Councilmember prior to the meeting or public hearing.

(d) Upon approval of the written minutes, the recording may be erased.

**RULE NO. 17**  
**RESTRICTION ON EMPLOYMENT OF RELATIVES**

(a) A public officer of the legislative branch of County government may not participate in the decision to appoint, employ, promote, or advance; or advocate for the appointment, employment, promotion, or advancement; in or to an appointed, non-civil service position in the legislative branch of County government, any individual who is his or her relative or domestic partner, or is a relative of the public officer's domestic partner.

(b) For the purpose of this rule, "relative" means an individual who is related to a public officer of the legislative branch of County government as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(c) For the purpose of this rule, "domestic partner" means an adult, unrelated by blood, with whom a public officer: (1) has an exclusive committed relationship, (2) maintains a mutual residence, and (3) shares the cost of basic living expenses. A "relative of the public officer's domestic partner" means the father, mother, brother, sister, son, or daughter of the domestic partner of the public officer.

(d) For the purpose of this rule, "public officer" shall mean members of the County Council, the County Clerk, and the County Auditor.

(e) This rule shall not apply to individuals appointed, employed, promoted, or advanced prior to the effective date of this rule.

**RULE NO. 18**  
**COMMUNICATIONS WITH THE COUNTY ATTORNEY**

Requests for opinions as to questions of law made by individual Councilmembers to the County Attorney shall be made in writing and signed by the Councilmember seeking the opinion. Opinions received pursuant to those requests shall be confidential communications between the Councilmember making the request and the County Attorney. If the subject matter of the request has been placed on a Council or Committee agenda, then the opinion received shall be circulated concurrently to all Councilmembers, but shall remain a confidential communication with regard to other parties.

**RULE NO. 19  
NEWS REPORTERS**

News reporters wishing to take notes of the business of the Council may be assigned such places by the Presiding Officer without interfering with the convenience of the Council or its Committees. Requests to film the Council proceedings with the use of video or still photography may be submitted to the Office of the County Clerk in writing within seven (7) business days prior to the meeting.

**RULE NO. 20  
NEW RULES AND AMENDMENTS**

No rule of the Council may be altered or rescinded nor may any new rule be adopted without the affirmative vote of at least four (4) Councilmembers. All amendments shall be by resolution.

**RULE NO. 21  
SUSPENSION OF THE RULES**

None of these rules may be suspended, except by the affirmative vote of at least five (5) Councilmembers.

**RULE NO. 22  
WHEN RULES ARE SILENT**

The rules of parliamentary practice as laid down by the current edition of "Robert's Rules of Order, Newly Revised," shall govern the Council where the same are not inconsistent with these rules.